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ABSTRACT

This booklet is a compilation of bills and other information that came before the First Regular Session of the Forty-fourth Legislature of the State of Idaho. (Author)

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SCHOOL LAWS

1977

IDAHO LEGISLATURE

FORTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION

Compiled by
Division of Finance and Administration
STATE DEPARTMENT OF EDUCATION

Roy Truby
State Superintendent
of Public Instruction

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EA 009 584

SCHOOL LAWS

1977

IDAHO LEGISLATURE

FORTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION

THE IDAHO STATE BOARD OF EDUCATION

Edward L. Benoit, President	Twin Falls
A. L. Alford, Jr., Vice President	Lewiston
Leno D. Seppi, D.D.S., Secretary	Lava Hot Springs
Janet Hay, Member	Nampa
J. Clint Hoopes, Member	Rexburg
J. P. Munson, M.D., Member	Sandpoint
John W. Swartley, M.D., Member	Boise
Roy Truby, Ex-Officio Member	Boise

PREFACE

Following each session of the Legislature, the State Department of Education has traditionally held post-legislative sessions to discuss the impact of legislation and its effect on Idaho school districts.

This booklet is a compilation of bills and other information which came before the First Regular Session of the Forty-fourth Legislature of the State of Idaho. We hope that it will be a useful reference for school boards, administrators and other employees in education who have responsibility for educating children in Idaho.

Roy Truby

Roy Truby
State Superintendent
of Public Instruction

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EFFECTIVE DATE OF LEGISLATION

Section 67-510, Idaho Code, addressed the subject of effective date of statutes and resolutions. This section of the Code is quoted for informational purposes:

> 67-510. Statutes and resolutions--When effective.--No act shall take effect until July 1 of the year of the regular session or sixty (60) days from the end of the session at which the same shall have been passed, whichever date occurs last, except in case of emergency, which emergency shall be declared in the preamble or body of the law.
>
> Every joint resolution, unless a different time is prescribed therein, takes effect from its passage.

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Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 40, AS AMENDED

BY EDUCATION COMMITTEE

AN ACT

RELATING TO POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-107, IDAHO CODE, TO PROVIDE THE BOARD SHALL MAINTAIN A REGISTER OF POSTSECONDARY PROGRAMS OFFERED IN THE STATE OF IDAHO BY POSTSECONDARY INSTITUTIONS OUTSIDE OF THE STATE AND NOT UNDER CONTROL OF THE BOARD, ESTABLISH MINIMAL STANDARDS, ESTABLISH CRITERIA FOR FALSE OR MISLEADING ADVERTISING OR SOLICITATIONS, PROVIDE A SYSTEM OF RECORD KEEPING AND REGISTRATION, AND TO REFER VIOLATIONS TO THE ATTORNEY GENERAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-107, Idaho Code, be, and the same is hereby amended to read as follows:

33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. The state board shall have power to:

(1) perform all duties prescribed for it by the school laws of the state;

(2) acquire, hold and dispose of title, rights and interests in real and personal property;

(3) have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;

(4) delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out the policies, orders and directives of the board;

(5) through its executive departments and offices;

(a) enforce the school laws of the state,

(b) study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation;

(6) in addition to the powers conferred by chapter 24, title 33, Idaho Code;

(a) maintain a register of courses and programs offered anywhere in the state of Idaho by postsecondary institutions outside of the state of Idaho and not under control of the state board of education and to critically evaluate each of the components of such offerings by comparison with courses, programs and faculty of postsecondary institutions under the direction and control of the state board of education,

(b) establish minimal standards for out of state institutions which desire to offer courses or programs in Idaho,

(c) establish criteria consistent with generally accepted professional standards relating to the use of false or misleading advertising, solicitations or false promises of employment,

(d) provide a system of record keeping and registration,

(e) violation of the provisions of this act will be referred to the attorney general for appropriate action.

IN THE SENATE

SENATE BILL NO. 1080

BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

RELATING TO LIMITATION UPON AUTHORITY OF SCHOOL DISTRICT TRUSTEES; AMENDING SECTION 33-507, IDAHO CODE, TO PROVIDE PROCEDURE FOR HIRING PERSONS RELATED TO ANY TRUSTEE OR SPOUSE OF A TRUSTEE WITHIN THE SECOND DEGREE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-507, Idaho Code, be, and the same is hereby amended to read as follows:

33-507. LIMITATION UPON AUTHORITY OF TRUSTEES. It shall be unlawful for any trustee to have pecuniary interest directly or indirectly in any contract or other transaction pertaining to the maintenance or conduct of the school district, or to accept any reward or compensation for services rendered as a trustee. The receiving, soliciting or acceptance of moneys of a school district for deposit in any bank or trust company, or the lending of money by any bank or trust company to any school district, shall not be deemed to be a contract pertaining to the maintenance or conduct of a school district within the meaning of this section; nor shall the payment by any school district board of trustees of compensation to any bank or trust company for services rendered in the transaction of any banking business with such district board of trustees, be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

It shall be unlawful for the board of trustees of any class of school district to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract requires, or will require, the payment or delivery of any school district funds, money or property to such spouse.

When any relative of any trustee or relative of the spouse of a trustee related by affinity or consanguinity within the second degree is considered for employment in a school district, such trustee shall abstain from voting in the election of such relative, and shall be absent ~~himself~~ from the meeting while such employment is being considered and determined.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 43

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE CHAIRMAN OF A SCHOOL BOARD; AMENDING SECTION 33-510, IDAHO CODE, TO STRIKE THE PROVISION WHEREBY THE CHAIRMAN OF A SCHOOL BOARD MAY VOTE TWICE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-510, Idaho Code, be, and the same is hereby amended to read as follows:

33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. The annual meeting of each school district shall be on the date of its regular July meeting in each year. Notice of the annual meeting of elementary school districts shall be given as provided in section 33-401, Idaho Code, but one (1) publication shall suffice.

Regular meetings of each board of school district trustees shall be held monthly, on a uniform day of a uniform week as determined at the annual meeting. Special and adjourned meetings may be called by the chairman or by any two (2) members of the board and held at any time. If the time and place of special meetings shall not have been determined at a meeting of the board with all members being present, then notice of the time and place shall be given to each member not less than twenty-four (24) hours before such special meeting is to be convened.

A quorum for the transaction of business of the board of trustees shall consist of a majority of the members of the board. Unless otherwise provided by law, all questions shall be determined by a majority of the votes cast. The chairman of the board may vote in all cases~~,-and,-in-the--case--of--a tie-vote,-may-additionally-cast-the-deciding-vote~~.

All meetings shall conform to the provisions of section 67-2340 through section 67-2345, Idaho Code.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1055

BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

RELATING TO SCHOOL BOARD MEETINGS; AMENDING SECTION 33-510, IDAHO CODE, REQUIRING THAT WRITTEN NOTICE BE CONSPICUOUSLY POSTED NOT LESS THAN TWENTY-FOUR HOURS IN ADVANCE OF ANY SPECIAL MEETING.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-510, Idaho Code, be, and the same is hereby amended to read as follows:

33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. The annual meeting of each school district shall be on the date of its regular July meeting in each year. Notice of the annual meeting of elementary school districts shall be given as provided in section 33-401, Idaho Code, but one (1) publication shall suffice.

Regular meetings of each board of school district trustees shall be held monthly, on a uniform day of a uniform week as determined at the annual meeting. Special ~~and adjourned~~ meetings may be called by the chairman or by any two (2) members of the board and held at any time. If the time and place of special meetings shall not have been determined at a meeting of the board with all members being present, then notice of the time and place shall be given to each member and announced by written notice conspicuously posted at the school district office and at least two (2) or more public buildings within the school district not less than twenty-four (24) hours before such special meeting is to be convened.

A quorum for the transaction of business of the board of trustees shall consist of a majority of the members of the board. Unless otherwise provided by law, all questions shall be determined by a majority of the votes cast. The chairman of the board may vote in all cases, and, in the case of a tie vote, may additionally cast the deciding vote.

All meetings shall conform to the provisions of section 67-2340 through section 67-2345, Idaho Code.

Legislature of the State of Idaho

First Regular Session
Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 146

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO AUDIT REPORTS; REPEALING CHAPTER 17, TITLE 31, IDAHO CODE, RELATING TO AUDITS OF COUNTY RECORDS; AMENDING TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 31, IDAHO CODE, TO PROVIDE REQUIREMENTS OF AUDITS OF COUNTY RECORDS ON AN ANNUAL BASIS; AMENDING SECTION 33-701, IDAHO CODE, TO PROVIDE THAT ANNUAL AUDITS OF SCHOOL DISTRICT RECORDS SHALL BE MADE BY AN INDEPENDENT AUDITOR; AMENDING SECTION 33-2114, IDAHO CODE, TO PROVIDE THAT ANNUAL AUDITS OF JUNIOR COLLEGE DISTRICT RECORDS SHALL BE MADE BY AN INDEPENDENT AUDITOR; AMENDING SECTION 50-1010, IDAHO CODE, TO PROVIDE THAT ANNUAL AUDITS OF CITY RECORDS SHALL BE MADE BY AN INDEPENDENT AUDITOR; AMENDING CHAPTER 14, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-414A, IDAHO CODE, TO PROVIDE REQUIREMENTS OF AUDITS OF HEALTH DISTRICT RECORDS ON AN ANNUAL BASIS; AND REPEALING SECTION 67-448, IDAHO CODE, RELATING TO THE BUREAU OF PUBLIC ACCOUNTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 17, Title 31, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 31, Idaho Code, and to read as follows:

CHAPTER 17
AUDITS OF COUNTY RECORDS

31-1701. AUDIT OF COUNTY FINANCES -- AUDIT TO BE FILED. The board of county commissioners of every county shall cause to be made, annually, a full and complete audit of the financial transactions of the county. Such audit shall be made by and under the direction of the board of county commissioners by an independent auditor, in accordance with generally accepted auditing standards and procedures.

The board of county commissioners shall include in the annual county budget all necessary expense for carrying out the provisions of this section.

The board of county commissioners shall file one (1) copy of such completed audit report with the legislative auditor within ten (10) days after its delivery by the contracting auditor.

SECTION 3. That Section 33-701, Idaho Code, be, and the same is hereby amended to read as follows:

33-701. FISCAL YEAR -- PAYMENT AND ACCOUNTING OF FUNDS. The fiscal year of each school district shall be a period of twelve (12) months commencing on the first day of July in each year.

The board of trustees of each school district shall have the following powers and duties:

1. To determine and order paid all lawful expenses for salaries, wages and purchases, whether or not there be money in the treasury for payment of warrants drawn against any fund of the district.

Whenever any school district other than an elementary school district has sufficient funds on deposit so to do, it may pay any allowed claim for salaries, wages or purchases by regular bank check signed by the treasurer of the district and countersigned by the chairman, or vice-chairman, of the board of trustees.

The total amount of warrants or orders for warrants drawn on any fund, together with disbursements from such fund in any other manner made, shall not exceed ninety-five per cent (95%) of the estimated income and revenue accrued or accruing to such fund for the same school year, until such income and revenue shall have been paid into the treasury to the credit of the district.

2. To invest all or part of any plant facilities reserve fund, or any fund accumulated for the payment of interest on, and the redemption of, outstanding bonds of the district in bonds or certificates of indebtedness of the United States of America, or in bonds or warrants of the state of Idaho, or in warrants or tax anticipation notes of any county or school district of the state of Idaho, when such investments shall be due and payable on or before the date any plant facilities reserve fund shall be required to be expended or any bonds, or interest thereon, of the investing district shall become payable.

Whenever in the judgment of the board of trustees, the proceeds of any bond issue should be temporarily invested pending the expenditure of such proceeds for the purposes for which such bonds were issued, the proceeds may be invested in the manner and form hereinabove prescribed. Any interest, or profits accruing from such investments shall be used for the purposes for which the bonds were issued. Unless otherwise provided by law, any interest or profits accruing from the investment of any funds shall be credited to the general fund of the district;

3. To insure any school house and other property, and the district, against any loss by fire, casualty, or liability, and the board, its officers and employees subject to the provisions of sections 41-3504 and 41-3505, Idaho Code, and to preserve its property for the benefit of the district. In case of loss of any insured property, any proceeds from insurance may be expended in constructing a temporary or permanent structure, but no sum greater than the insurance proceeds shall be so expended except upon approval of a majority of the school district electors voting in an election called for that purpose.

If the proceeds of any insurance received by a school district by reason of loss on real property shall be less than one thousand dollars ($1,000), such proceeds may be credited to the general fund of the district;

4. To pay from the general fund of the district the expense of any member of the board incurred while traveling on the business of the board, or attending any meeting called by the state board of education or by the state superintendent of public instruction, or attending any annual or special meetings of the state school trustees association, and to pay the membership fee of the board of trustees in said association. Whenever any member of the board of trustees resides at such distance from the meeting place of the board as to require, in the judgment of the board, such member to incur extraordinary expense in traveling from his home to and from said meeting place, the board may approve payment to such member of the extraordinary expense incurred in attending any meeting of the board.

For the purpose of this paragraph, the term "expense" or "extraordinary expense" shall include allowance for mileage or actual travel expense incurred;

5. To prepare, or cause to be prepared and published, in the manner hereinafter prescribed, within one hundred twenty (120) days from the last day of each fiscal year, an annual statement of financial condition and report of the school district as of the end of such fiscal year, showing assets and liabilities, the amounts of money received, from what sources, the amounts expended, for what purposes, and to whom paid; such annual statement of financial condition

and report to show in full the financial condition of the district, and to contain a detailed itemization of expenditures of school district funds during the fiscal year, naming each recipient and the purposes and amounts of expenditures made to each; provided, however, that if during the same fiscal year more than one payment is made to the same recipient for the same purpose, the total of such payments to that recipient may be reported by purpose classification without itemization of warrants; and provided, further, that teacher salaries may be reported in gross amount, showing the number of teachers paid at each of the several stated gross salary levels in effect in the district, but without naming the individual recipients of teacher salary payments.

Nothing herein provided shall be construed as limiting any school district as to any additional or supplementary statements and reports it may elect to make for the purpose of informing the public of its financial operations, either as to form, content, method, or frequency; and if all the information required herein to be published shall have been published as provided herein at regular intervals during the fiscal year covering successive portions of the fiscal year, then such information may be omitted from the annual statement of financial condition and report for such portions of the fiscal year as already have been reported.

The annual statement of financial condition and report shall be published within the time above prescribed in one (1) issue of a newspaper printed and published within the district, or, if there be none, then in a newspaper printed and published in the county in which the school district is located, or, if more than one newspaper is printed and published in said district or county, then in the newspaper most likely to give notice of the contents of such annual statement of financial condition and report to the residents of said district; provided, that if no newspaper is printed and published in the said district or county, then such statement of financial condition and report shall be published in a newspaper of general circulation most likely to give notice of the contents to the residents of said district.

The chairman, clerk and treasurer of each such school district shall certify said annual statement of financial condition and report to be true and correct, and the certification shall be included in each published statement.

In the event the board of trustees of any such school district shall fail to prepare or cause to be prepared or to publish the annual statement of financial condition and report as herein required, the state board of education shall cause the same to be prepared and published, and the cost thereof shall be an obligation of such school district. One (1) copy of such annual statement of financial condition and report shall be retained in the office of the clerk of the board of school trustees, where the same shall be open at all times to examination and inspection by any person;

6. To cause to be made each year, a full and complete audit of all of the financial transactions of the district, and of the activity or student body funds, except that in elementary school districts such audit shall be made at intervals of not more than two (2) years. Any audit shall be made by and under the direction of the board of trustees by an independent auditor, in accordance with ~~uniform--specifications--prescribed--therefor--by--the--bureau--of--public accounts~~ generally accepted auditing standards and procedures.

The auditor shall be employed on written contract~~,-the form-of-which-shall-be-prescribed-by-the--bureau--of--public accounts~~.

One (1) copy of the report of the audit shall be filed with the ~~bureau-of-public-accounts~~ legislative auditor, and one (1) copy shall be filed with the state board of education, not more than ten (10) days after its acceptance by the board of trustees;

7. To file annually with the state board of education such financial and statistical reports as said state board of education may require;

8. To order and have destroyed any canceled check or warrant, or any form of claim or voucher which has been paid, at any time after five (5) years from the date the same was canceled and paid.

9. To review the school district budget periodically and make appropriate budget adjustments to reflect the availability of funds and the requirements of the school district. Revenue derived from maintenance and operation levies made pursuant to section 33-802, Idaho Code, shall be excluded from budget adjustments as provided in this paragraph. Any person or persons proposing a budget adjustment under this section shall notify in writing each member of the board of trustees one (1) week prior to the meeting at which such proposal will be made. Prior to the final vote on such a proposal, notice shall be posted and published once, as prescribed in section 33-401, Idaho Code. A budget adjustment shall not be approved unless voted affirmatively by sixty per cent (60%) of the members of the board of trustees. Such amended budgets shall be submitted to the

state board of education.

SECTION 4. That Section 33-2114, Idaho Code, be, and the same is hereby amended to read as follows:

33-2114. REPORTS OF JUNIOR COLLEGE DISTRICTS. The board of trustees of each junior college district shall cause to be made, annually, a full and complete audit of the financial transactions of the district. Such audit shall be made by and under the direction of the board of trustees by an independent auditor in accordance with ~~uniform--specifications---of--the--department--of--public--accounts~~ generally accepted auditing standards and procedures. The auditor shall be employed on written contract~~,-in-form-prescribed-by said-department~~.

One (1) copy of the audit report shall be filed with the ~~department--of--public-accounts~~ legislative auditor, and one (1) copy with the state board of education, not more than ten (10) days after its acceptance by the board of trustees.

The state board of education may at its discretion direct the board of trustees of any junior college district to cause to be made an examination of the books and accounts of their district, as provided for public school districts.

The board of trustees shall submit to the state board of education such other reports as the state board may from time to time require.

SECTION 5. That Section 50-1010, Idaho Code, be, and the same is hereby amended to read as follows:

50-1010. ANNUAL AUDIT OF CITY FINANCES -- AUDIT TO BE FILED. It shall be the duty of the council in every city to cause to be made a full and complete audit of all the financial transactions of such city every year. Such audit shall be made by and under the direction of said council by ~~a recognized-practicing-public-accountant.~~

~~It-shall-be-the-duty-of-the-state-auditor--to--prescribe uniform--specifications--for--audits-of-books-and-records-of all-officers-of-all-cities-of-the-state-of-Idaho.~~ an independent auditor, in accordance with generally accepted auditing standards and procedures.

The council shall be required to include all necessary expenses for carrying out the provisions of this section in its annual budget.

The council is hereby required to file one (1) copy of such completed audit report with the ~~state~~ legislative auditor within ten (10) days after its delivery by the contracting auditor.

SECTION 6. That Chapter 4, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-414A, Idaho Code, and to read as follows:

39-414A. AUDIT OF HEALTH DISTRICT FINANCES -- AUDIT TO BE FILED. It shall be the duty of each district board of health to cause to be made a full and complete audit of all the financial transactions of the health district annually. Such audit shall be made by or under the direction of the legislative auditor, in accordance with generally accepted auditing standards and procedures. The district board of health shall include all necessary expenses for such audit in its annual budget.

SECTION 7. That Section 67-448, Idaho Code, be, and the same is hereby repealed.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 163, AS AMENDED IN THE SENATE

BY EDUCATION COMMITTEE

AN ACT

RELATING TO AUTHORITY OF BOARD OF TRUSTEES OF ANY SCHOOL DISTRICT; AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 33-801A, IDAHO CODE, PROVIDING THAT THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT MAY CREATE A GENERAL FUND CONTINGENCY RESERVE NOT TO EXCEED TWO AND ONE-HALF PER CENT OF THE TOTAL GENERAL FUND BUDGET OR ONE HUNDRED THOUSAND DOLLARS FOR CONTINGENCIES DURING THE FISCAL YEAR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 8, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-801A, Idaho Code, and to read as follows:

33-801A. GENERAL FUND CONTINGENCY RESERVE. The board of trustees of any school district may create and establish a general fund contingency reserve within the annual school district budget. Such general fund contingency reserve shall not exceed two and one-half per cent (2 1/2%) of the total general fund budget, but not to exceed one hundred thousand dollars ($100,000). Disbursements from said fund may be made by resolution from time to time as the board of trustees determines necessary for contingencies that may arise. The balance of said fund shall not be accumulated beyond the budgeted fiscal year. If any money remains in the contingency reserve it shall be treated as an item of income in the following year's budget.

IN THE SENATE

SENATE BILL NO. 1193

BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-905, IDAHO CODE, PROVIDING FOR THE CREATION OF A SCHOOL DISTRICT BUILDING ACCOUNT, PROVIDING FOR PAYMENTS INTO THE ACCOUNT, APPROPRIATING MONEYS IN THE ACCOUNT TO THE STATE BOARD OF EDUCATION, PROVIDING FOR PAYMENTS TO SCHOOL DISTRICTS, PROVIDING FOR USES OF THE MONEYS RECEIVED FROM THE ACCOUNT, AND TRANSFERRING UNENCUMBERED BALANCES IN EXCESS OF $5,000,000 TO THE PUBLIC SCHOOL INCOME FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 9, Title 53, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-905, Idaho Code, and to read as follows:

33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT -- MONEYS APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS TO DISTRICTS -- REPORTS ON APPLICATIONS -- USES OF MONEYS. 1. The state of Idaho, recognizing its responsibility to establish and maintain a general, uniform and thorough system of public, free common schools, in an effort to partially fulfill this responsibility, hereby creates and establishes the school district building account in the agency asset fund. The school district building account shall have paid into it such appropriations or revenues as may be provided by law.

2. Moneys in the school district building account are hereby appropriated to and may be expended by the state board of education at any time for the purposes provided in this section, any provision of chapter 35, title 67, Idaho Code, or chapter 36, title 67, Idaho Code, notwithstanding.

3. (a) The board of trustees of any school district which has bonded indebtedness of seventy-five percent (75%) or more of the amount allowed by section 33-1103, Idaho Code, and has a school plant facilities levy of fifteen (15) or more mills as authorized by section 33-804, Idaho Code, may apply to the state board of education to receive a payment or payments from the school

district building account; provided, a district need not comply with the school plant facilities levy, if such district demonstrates to the state board of education that it has expended the equivalent of fifteen (15) mills from the capital outlay category of the district's maintenance and operation budget. Payments from the school district building account may not exceed one-half (1/2) the aggregate costs of the project proposed by the school district, as approved by the state board of education unless the district has bonded indebtedness of ninety-six percent (96%) or more of the amount allowed by section 33-1103, Idaho Code, and levies a school plant facilities reserve fund levy of eighteen (18) or more mills.

(b) When an application for moneys from the account is approved by the state board of education, the state board shall inform the school district that the application has been approved, citing the amount approved for payment and an estimate of the time when the payment can actually be made to the school district.

4. All payments from the school district building account shall be paid out directly to the school district in warrants drawn by the state auditor upon presentation of proper vouchers from the state board of education. Pending payments out of the school district building account, the moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be returned to the school district building account.

5. No school district is automatically entitled to any payments from the school district building account, but must demonstrate to the state board actual need for such payment as well as complying with the requirements set forth in subsection 3(a) hereof. The state board of education shall establish the criteria upon which actual need is to be determined.

6. Payments from the school district building account received by a school district may be used by the school district for the purposes authorized in section 33-1102, Idaho Code.

7. Any unencumbered balance in the school district building account in excess of five million dollars ($5,000,000) as of June 30 shall be transferred to the public school income fund established by section 33-903, Idaho Code, as of July 1.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 33

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE SALE OF PUBLIC SCHOOL BONDS; AMENDING SECTION 33-1108, IDAHO CODE, RELATING TO THE PRINTING OF BONDS BY STRIKING THE PROVISION THAT THE DEPARTMENT OF PUBLIC INVESTMENTS MAY PAY PRINTING COSTS; REPEALING SECTION 33-1110, IDAHO CODE, RELATING TO THE PREFERENTIAL RIGHT OF STATE TO PURCHASE; AMENDING SECTION 33-1111, IDAHO CODE, RELATING TO THE SALE OF BONDS, BY PROVIDING THAT THE BOARD OF TRUSTEES SHALL GIVE NOTICE OF ITS INTENT TO SELL A BOND ISSUE, AND STRIKING REFERENCE TO THE DEPARTMENT OF FINANCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1108, Idaho Code, be, and the same is hereby amended to read as follows:

33-1108. PRINTING OF BONDS. Bonds and coupons shall be printed or lithographed in the form prescribed by section 33-1107, Idaho Code, at the expense of the purchaser purchasing the same from the issuing district.
~~When-the-department-of-public-investments--is--the--purchaser,-the-said-department-is-authorized-to-pay-the-cost-of such-printing-or-lithographing.~~

SECTION 2. That Section 33-1110, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 33-1111, Idaho Code, be, and the same is hereby amended to read as follows:

33-1111. SALE OF BONDS. ~~When-the-department-of-finance offers-to-purchase-but-a-part-of-an-issue-of-bonds,-or--submits--no-bid-thereon,-or-when-the-board-of-trustees-believes that-a-more-advantageous-bid-may-be-received,-it~~ The board of trustees shall give notice of its ~~purpose~~ intent to sell ~~such~~ a bond issue.

The notice shall be published in a newspaper published in this state, once each week for four (4) consecutive weeks. Said notice shall describe the issue of bonds; shall state that the board of trustees will receive sealed bids until a specified day and hour; and that said bids will be opened at a regular or special meeting of the board at a time and place to be named in the notice. Said notice may require such deposits of forfeits as the board may deem necessary~~, but no deposit shall be required of the department of finance~~.

At the meeting held at the time and place named in the notice, the board of trustees shall open the bids, and may sell the same to whomever~~, including the department of finance,~~ shall make the bid most advantageous to the school district, and the deposits of the unsuccessful bidders shall thereupon be returned to them. Should the successful bidder fail or refuse to tender payment of the amount required for the purchase of the issue within ten (10) days after tender to him of the executed bonds and a certified copy of the bond proceedings, his deposit shall be forfeited; and the board may in its judgment accept the bid next most advantageous, or re-advertise the issue as before.

The board of trustees may reject any or all bids, and sell the bonds at private sale when this be found to be in the best interest of the district.

No school bond shall at any time be sold at less than its par value.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 190

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SICK AND OTHER LEAVE FOR SCHOOL DISTRICT EMPLOYEES; AMENDING SECTION 33-1216, IDAHO CODE, BY PROVIDING THAT A BOARD OF TRUSTEES MAY ESTABLISH A POLICY FOR RETIREMENT SEVERANCE PAY FOR EMPLOYEES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1216, Idaho Code, be, and the same is hereby amended to read as follows:

33-1216. SICK AND OTHER LEAVE. (a) At the beginning of each new employment year and thereafter as necessary during the employment year, each certificated and noncertificated employee of any school district, including charter districts, shall be entitled to sick leave with full pay of one (1) day for each month of service, or major portion thereof as projected for the employment year, subject to the limitations provided by this chapter. The local board of trustees shall not provide compensation for unused sick leave. This shall not prohibit the local board of trustees from establishing a policy providing retirement severance pay.

(b) The board of trustees may require proof of illness adequate to protect the district against malingering and false claims of illness.

Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of illness or death of members of the families of such employees, for professional conferences and workshops, and for such other purposes as the board may determine.

(c) Each local board of trustees may establish a policy governing leave for certificated and noncertificated employees in the case of absence during a period for which the employee is paid by workmen's compensation. In addition the board may supplement the workmen's compensation payment by an amount not to exceed an amount which when combined with the workmen's compensation payment would be equal to the amount the employee would have been paid if he had not been injured. Time for which a person is paid workmen's compensation shall not be allowed as sick leave.

(d) The board of trustees of any school district, including any specially chartered district, may also grant a leave of absence to any certificated employee of such district for service to a professional educational organization of which such certificated employee is a member and has been elected to hold the office of president therein, such leave to be for a period not exceeding one (1) year. During the period of any such leave of absence the said certificated employee shall receive the same compensation and receive or accrue such other rights and benefits that he would have been entitled to or have received or accrued had he been present and working for the school district, and he shall remain an active member of the public employee retirement system of Idaho; provided that such professional educational organization shall first pay to the said school district an amount equal to any and all compensation, contributions to the public employee retirement system of Idaho and any other amounts paid to or accrued in the name of said employee during such period.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1279

BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

RELATING TO MEETINGS FOR NEGOTIATION PROCEEDINGS BETWEEN SCHOOL DISTRICTS AND PROFESSIONAL EMPLOYEES; AMENDING SECTION 33-1271, IDAHO CODE, TO PROVIDE THAT JOINT RATIFICATION OF ALL FINAL OFFERS IN NEGOTIATIONS BETWEEN SCHOOL DISTRICTS AND PROFESSIONAL EMPLOYEES SHALL BE DONE IN OPEN MEETINGS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1271, Idaho Code, be, and the same is hereby amended to read as follows:

33-1271. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES -- NEGOTIATION AGREEMENTS. The board of trustees of each school district, including specially chartered districts, or the designated representative(s) of such district, is hereby empowered to and shall upon its own initiative or upon the request of a local education organization, enter into a negotiation agreement with professional employees and negotiate with such employees in good faith on those matters specified in any such negotiation agreement between the local board of trustees and the local education organization. A request for negotiations may be initiated by either party to such negotiation agreement. Accurate records or minutes of the proceedings shall be kept, and shall be available for public inspection at the offices of the board of education during normal business hours. Joint ratification of all final offers of settlement shall be made in open meetings.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 193, AS AMENDED

BY EDUCATION COMMITTEE

AN ACT

RELATING TO COSTS OF TRANSPORTING PUBLIC SCHOOL PUPILS; AMENDING SECTION 33-1503, IDAHO CODE, TO PROVIDE A MINIMUM AMOUNT FOR REIMBURSEMENT WHEN TRANSPORTATION IS NOT PROVIDED BY THE SCHOOL DISTRICT, AND TO REQUIRE REIMBURSEMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1503, Idaho Code, be, and the same is hereby amended to read as follows:

33-1503.. PAYMENTS WHEN TRANSPORTATION NOT FURNISHED. a. Whenever any pupil lives more than one and one-half (1 1/2) miles from any established bus stop, or from the school but at a greater distance from the nearest bus stop than from the school, and such pupil is regularly transported by private vehicle not under contract with the school district, the board may ~~at--its--discretion~~ pay to the parent or guardian an amount per month ~~not-exceeding-the--maximum--set by--the-state-board-of-education~~ as provided in subsection c of this section, for transporting such pupil to the school or to the bus stop as the board may determine.

b. Whenever in the judgment of the board of trustees any pupil residing within the area of a non-transportation zone, and otherwise eligible to transportation, cannot be transported in any manner herein authorized, the said board may pay to the parent or guardian thereof such amount of the cost incurred. by the parent or guardian for the board and lodging of the pupil as may be authorized by the state board of education.

c. Whenever payments are required pursuant to subsection a of this section, the board of trustees may pay an amount not less than ten dollars ($10.00) per month plus fifteen cents ($.15) per mile per round trip required by vehicle.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1318

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE UNIFORM BUILDING CODE ADVISORY ACT; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE THAT ENFORCEMENT OF THE UNIFORM BUILDING CODE ADVISORY ACT SHALL BE OPTIONAL WITH COUNTY AND CITY GOVERNMENTS, AND TO PROVIDE REQUIREMENTS WHEN LOCAL OPTION ENFORCEMENT BECOMES EFFECTIVE; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATE REQUIREMENTS FOR 1977.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. ENFORCEMENT -- ASSISTANCE. (1) Local governments ~~shall~~ may, effective ~~January 1, 1976,~~ July 1 of any year, by affirmative action by resolution or ordinance taken by the governing board of a local government, prior to December 31 of the previous year, comply with the codes enumerated in this act, and such codes, rules and regulations promulgated pursuant to this act, and such inspection and enforcement may be provided by the local government, or ~~shall~~ may be provided by the department if such local government opts to comply with the provisions of this act but not to provide such inspection and enforcement, except that the department shall retain jurisdiction of inspection and enforcement of construction standards enumerated in section 39-4109(10), Idaho Code, for mobile homes and recreational vehicles, and for inspection and enforcement of construction standards for manufactured buildings and commercial coaches, whether or not a local government opts to comply with the other provisions of this act. Any decision to comply with the provisions of this act must be communicated to the director in writing, and compliance must be for an entire year commencing July 1.

(2) All building code inspectors, including those of local governments which have opted to comply with the provisions of this act, shall be certified as provided by section 39-4108, Idaho Code.

(3) The department may contract to assist a local government in such matters as technical assistance, code

interpretation, education, training, personnel, and information and dissemination of information and statistics.

(4) The department may conduct or sponsor pre-entry and in-service education and training programs on the technical, legal, and administrative aspects of building code administration and enforcement. For this purpose, it may cooperate and contract with educational institutions, local, state, regional or national building officials' organizations, and any other appropriate organization.

SECTION 2. (1) An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

(2) For 1977 only, a local government may opt to comply with the provisions of chapter 41, title 39, Idaho Code, at any time prior to June 30, 1977, and shall so notify the director.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 221, AS AMENDED IN THE SENATE

BY BUSINESS COMMITTEE

AN ACT

RELATING TO PROPERTY AND LIABILITY INSURANCE COVERAGE FOR THE PUBLIC ENTITY, PUBLIC EMPLOYER OR PUBLIC CORPORATION; AMENDING SECTION 41-1317, IDAHO CODE, TO ALLOW PUBLIC ENTITIES TO JOINTLY PROCURE INSURANCE, AND TO ALLOW GROUPS TO PROCURE GROUP CASUALTY OR LIABILITY COVERAGE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-1317, Idaho Code, be, and the same is hereby amended to read as follows:

41-1317. FICTITIOUS GROUPS. (1) No insurer, whether an authorized insurer or an unauthorized insurer, shall make available through any rating plan or form, property, casualty or surety insurance to any firm, corporation, or association of individuals, any preferred rate or premium based upon any fictitious grouping of such firm, corporation, or individuals. For the purposes of this section a "fictitious" group is one in which members of such group do not have a common insurable interest as to the subject of the insurance and the risk or risks insured or to be insured.

(2) No form or plan of insurance covering any group or combination of persons or risks shall be written or delivered within or outside of Idaho to cover Idaho persons or risks at any ~~perferred~~ preferred rate or form other than that offered to persons not in such group and the public generally, unless such form, plan or policy and the rates or premiums to be charged therefor have been submitted to and approved by the director as not in conflict with subsection (1) above, and section 41-1405 (rate standards), Idaho Code.

(3) Nothing in this section shall apply to workmen's compensation, life or disability insurance or to annuity contracts; nor to any insurer which restricts its insurance coverages to members of a particular association or organization with which the insurer is directly affiliated; nor to public corporations, public employers or public entities; nor to group casualty or liability coverage when the director has determined that an affinity of interest legitimately exists between or among the members of the group.

Legislature of the State of Idaho

First Regular Session
Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 136

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO EDUCATIONAL PROGRAMS FOR MEMBERS OF THE IDAHO NATIONAL GUARD; AMENDING SECTION 46-314, IDAHO CODE, TO STRIKE REFERENCES TO THE IDAHO NATIONAL GUARD EDUCATIONAL ENCOURAGEMENT FUND, AND TO AUTHORIZE THE ADJUTANT GENERAL TO ENCOURAGE ENLISTMENT BY PAYMENT OF REGISTRATION FEES FOR MEMBERS OF THE IDAHO NATIONAL GUARD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 46-314, Idaho Code, be, and the same is hereby amended to read as follows:

46-314. EDUCATIONAL ENCOURAGEMENT ~~FUND.~~ ~~The---Idaho national--guard--educational--encouragement--fund--is-hereby established-in-the-state-treasury.~~ The adjutant general of the Idaho national guard is authorized to encourage enlistment and reenlistment of persons in the national guard by providing incentive payments as set forth hereinafter. The adjutant general may authorize the payment of not more than fifty per cent (50%) of student registration fees for each semester for each member of the active Idaho national guard who attends an institution of higher education in Idaho, a vocational education school, or a junior college organized under the provisions of chapter 21, title 33, Idaho Code~~,~~ ~~from-the--Idaho--national--guard--educational--encouragement fund~~. To be eligible to receive benefits ~~from-the-fund~~, an individual must be a member in good standing of the active Idaho national guard at the beginning of and throughout the entire semester for which benefits are received.

Legislature of the State of Idaho]

[illegible]rst Regular Session
[illegible]rty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 90

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO AN APPLICATION FOR A DRIVER'S LICENSE; AMENDING SECTION 49-312, IDAHO CODE, TO PROVIDE THAT ANY APPLICANT FOR A DRIVER'S OR CHAUFFEUR'S LICENSE MAY BE REQUIRED TO SUBMIT PROOF OF DATE OF BIRTH TO ISSUING OFFICER.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-312, Idaho Code, be, and the same is hereby amended to read as follows:

49-312. APPLICATION FOR LICENSE OR INSTRUCTION PERMIT. (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department and sheriffs and their deputies are hereby authorized to administer such oaths without charge. Every application for a permit or license shall be accompanied by the required fee, to-wit: Applications for instruction permit, four dollars ($4.00); application for operator's license, seven dollars ($7.00); applications for chauffeur's license, nine dollars ($9.00). Every applicant for an instruction permit or operator's license who is required to take or who elects to take a driver training course in a public school in this state shall be required to pay an additional fee of fifteen dollars ($15.00).

(b) Every said application shall state the full name, date of birth, sex, ~~and~~ residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and the applicant may be required to submit proof of date of birth sufficient to satisfy the issuing officer.

(c) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request copy of operator's record from such other jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

(d) Whenever the department receives request for an operator's record from another licensing jurisdiction, the record shall be forwarded without charge.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 112

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO APPLICATION FOR A DRIVER'S LICENSE; AMENDING SECTION 49-313, IDAHO CODE, TO PROVIDE THAT EITHER THE FATHER OR THE MOTHER MAY SIGN AN APPLICATION FOR AN INSTRUCTION PERMIT, A RESTRICTED LICENSE, OR AN OPERATOR'S LICENSE OF A MINOR CHILD.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-313, Idaho Code, be, and the same is hereby amended to read as follows:

49-313. APPLICATIONS OF MINORS. (a) The application of any person under the age of eighteen (18) years for an instruction permit, restricted license or operator's license shall be signed and verified before a person authorized to administer oaths by ~~both~~ either the father ~~and~~ or mother of the applicant, if both are living and have custody of him; or if either be dead, then by the surviving parent who has custody of him; or in the event neither parent is living, or if living and does not have the custody of said minor, then by the person or guardian having such custody or by an employer of such minor; or in the event there is no guardian or employer then by some other responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

(b) Any negligence or wilful misconduct of a minor under the age of eighteen (18) years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or wilful misconduct (except as otherwise provided in the next succeeding paragraph).

(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, or by the director if the form and amount be not fixed by law, then the department may accept the application of such minor when signed by one (1) parent or guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 52

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE DISTRIBUTION OF RECEIPTS GENERATED BY THE MUTUEL HANDLE OF A PARI-MUTUEL SYSTEM; AMENDING SECTION 54-2513, IDAHO CODE, PROVIDING FOR THE OWNERS AND/OR BREEDERS OF RACING PAINTS AND RACING ARABIANS TO RECEIVE A SHARE OF THE ONE-HALF PER CENTUM GROSS RECEIPTS FROM A PARI-MUTUEL HANDLE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2513, Idaho Code, be, and the same is hereby amended to read as follows:

54-2513. DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee conducting the pari-mutuel system shall distribute all sums deposited in any pool to the winner thereof, less an amount as prescribed in the following table:

Gross daily receipts	Licensee percentage	Public school percentage
To $20,000.	15 1/4%	%
$20,000. to $30,000.	14 %	1 1/4%
$30,000. to $40,000.	13 %	2 1/4%
$40,000. to $50,000.	12 %	3 1/4%
$50,000. +	11 %	4 1/4%

One and one-quarter per centum (1 1/4%) of all gross receipts shall be paid to the Idaho state horse racing commission.

One-half of one per centum (1/2%) of all gross receipts generated by the mutuel handle shall be distributed by the licensee in proportion to the handle generated by each breed, to lawfully constituted representatives of each breed, to benefit owners and/or breeders of Idaho bred racing thoroughbreds, racing quarter horses, ~~and~~ racing Appaloosas, racing paints and racing Arabians, subject to the approval of the commission. Funds not distributed as approved by the commission shall revert to the school endowment fund six (6) months after the end of the calendar year in which they were earned.

(B) Such licensee may retain the odd cents of all redistribution to be based on each dollar deposited exceeding a sum equal to the next lowest multiple of ten (10), known as breakage, and the total amount of unclaimed tickets at the termination of the time allowed by rule and regulation of the commission.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 194, AS AMENDED

BY BUSINESS COMMITTEE

AN ACT

RELATING TO ADVANCE REFUNDING BONDS FOR UNITS OF GOVERNMENT; AMENDING CHAPTER 5, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-504, IDAHO CODE, TO PROVIDE FOR DEFINITIONS, TO PROVIDE THAT A GOVERNING BODY BY ORDINANCE MAY PROVIDE FOR THE ISSUANCE OF BONDS TO REFUND OUTSTANDING BONDS, TO PROVIDE FOR THE PRINCIPAL AMOUNT OF SUCH REFUNDING BONDS, TO PROVIDE FOR THE APPLICATION OF THE PROCEEDS DERIVED FROM THE SALE OF ADVANCE REFUNDING BONDS, TO PROVIDE REQUIREMENTS FOR THE SAFEKEEPING OF SUCH BOND PROCEEDS, TO PROVIDE FOR COMPUTING INDEBTEDNESS FOR THE PURPOSE OF STATUTORY DEBT LIMITATIONS, TO PROVIDE FOR SETTING ASIDE PROCEEDS OF ADVANCE REFUNDING BONDS, TO PROVIDE FOR ISSUANCE OF SUCH BONDS, TO PROVIDE THAT ADVANCE REFUNDING BONDS MUST BE ISSUED IN ACCORDANCE WITH LAW, TO PROVIDE REQUIREMENTS FOR PAYMENT OF ADVANCE FUNDING BONDS, TO PROVIDE THAT AUTHORITY TO ISSUE ADVANCE REFUNDING BONDS IS ADDITIONAL AUTHORITY, AND TO PROVIDE SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-504, Idaho Code, and to read as follows:

57-504. ADVANCE REFUNDING OF BONDS. (1) Except where the context otherwise requires, the terms defined in this section shall for all purposes have the meanings herein specified:

(a) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, or other legislative body of a public body designated herein in which body the legislative powers of the public body are vested.

(b) "Public body" means the state of Idaho, its agencies, institutions, political subdivisions, school districts, authorities, instrumentalities, and municipal and quasi-municipal corporations now or hereafter existing under the laws of the state of Idaho.

(c) "Bond" means any revenue bond or general obligation bond.

(d) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or other obligation for the payment of money issued by a public body or any predecessor of any public body and which is payable from designated revenues or a special fund but excluding any obligation constituting an indebtedness within the meaning of any applicable statutory debt limitation and any obligation payable solely from special assessments.

(e) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a public body which constitutes an indebtedness within the meaning of any applicable statutory debt limitation.

(f) "Advance refunding bonds" mean bonds issued for the purpose of refunding outstanding bonds in advance of their maturity.

(g) "Issuer" means the public body issuing any bond or bonds.

(h) "Ordinance" means an ordinance of a city or county or resolution or other instrument by which the governing body of the public body exercising any power hereunder takes formal action and adopts legislative provisions and matters of some permanency.

(i) "Government obligations" mean direct obligations of the United States of America, or other securities, the principal and interest of which are unconditionally guaranteed by the United States of America.

(j) Words used herein importing singular or plural number may be construed so that one number includes both.

(2) The governing body of any public body may by ordinance provide for the issuance of bonds to refund outstanding bonds heretofore or hereafter issued by such public body or its predecessor, only: (1) to pay or discharge all or any part of such outstanding series or issue of bonds, including any interest thereon, in arrears or about to become due and for which sufficient funds are not available; or (2) to achieve a savings or other objective that the governing body finds to be beneficial to the public body. Any bonds issued for refunding purposes may be delivered in exchange for the outstanding bonds being refunded or may be sold in such manner and at such price as the governing body may in its discretion determine advisable. Such bonds may be issued without an election unless an election is required by the constitution of the state of Idaho.

(3) Advance refunding bonds may be issued in a principal amount in excess of the principal amount of the bonds to be refunded as determined by the governing body. Such amount may be equal to the full amount required to pay the principal of and interest on the bonds to be refunded to and including their dates of maturity or principal redemption in accordance with the advance refunding plan adopted by the governing body, together with all costs incurred in accomplishing such refunding. The principal amount of the refunding bonds may be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for the retirement or redemption of such bonds to be refunded. Any reserves held to secure the bonds to be refunded may be applied to the redemption or retirement of such bonds, or otherwise as the governing body may determine.

(4) Prior to the application of the proceeds derived from the sale of advance refunding bonds to the purposes for which such bonds shall have been issued, such proceeds, together with any other legally available funds including reserve funds, may be invested and reinvested only in government obligations maturing at such time or times as may be required to provide funds sufficient to pay principal, interest and redemption premiums, if any, due in connection with the bonds to be refunded or the advance refunding bonds, or both, in accordance with the advance refunding plan. To the extent incidental expenses have been capitalized, such bond proceeds may be used to defray such expenses.

(5) The governing body may contract with respect to the safekeeping and application of the advance refunding bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the state of Idaho. The governing body may provide in the advance refunding plan that until such moneys are required to redeem or retire the bonds to be refunded, the refunding bond proceeds and other funds, and the income therefrom shall be used to pay and secure payment of principal of, interest on, and redemption premiums, if any, due in connection with all or a portion of the advance refunding bonds or the bonds being refunded, or both.

(6) In computing indebtedness for the purpose of any applicable statutory debt limitation there shall be deducted from the amount of outstanding indebtedness the principal amount of outstanding general obligation bonds for the pay-

ment of which there shall have been dedicated and deposited in escrow, government obligations the principal of or interest on which, or both, will be sufficient to provide for the payment of said general obligation bonds as to principal, interest and redemption premiums, if any, when due at maturity or upon some earlier date upon which such bonds shall have been called for redemption in accordance with their terms.

(7) When a public body has irrevocably set aside for and pledged to the payment of bonds to be refunded advance refunding bond proceeds and other moneys in amounts which together with known earned income from the investment thereof will be sufficient in amount to pay the principal of, interest on, and any redemption premiums on such bonds as the same become due and to accomplish the refunding as scheduled, such bonds shall be deemed duly paid and discharged for the purpose of any applicable statutory debt limitation.

(8) Bonds for refunding and bonds for any other purpose or purposes authorized may be issued separately or issued in combination in one or more series or issues by the same issuer.

(9) Except as specifically provided in this section, refunding bonds issued hereunder shall be issued in accordance with the provisions of law applicable to the type of bonds of the issuer being refunded, either at the time of the issuance of the refunding bonds or the bonds to be refunded.

(10) Refunding bonds may be made payable from any taxes or pledged revenues, or both, which might be legally pledged for the payment of the bonds being refunded at the time of the issuance of the advance refunding bonds or at the time of the issuance of the bonds being refunded, as the governing body may determine.

(11) The authority of a public body to issue refunding bonds pursuant to this section is additional to any existing authority to issue such bonds and nothing in this section shall prevent the issuance of such bonds pursuant to any other law, and this section shall not be construed to amend any existing law authorizing the issuance of refunding bonds by a public body.

(12) If any provision of this section, or its application to any person or circumstance is held invalid, the remainder of the section, or the application of the provision to other persons or circumstances is not affected.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 28, AS AMENDED

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE INVESTMENT OF PERMANENT FUNDS; AMENDING SECTION 57-722, IDAHO CODE, TO AUTHORIZE INVESTMENTS IN SAVINGS ACCOUNTS; AMENDING SECTION 57-727, IDAHO CODE TO AUTHORIZE EMPLOYMENT OF A STAFF INVESTMENT MANAGER, AND TO PROVIDE THAT SALARIES AND OTHER EXPENSES OF THE INVESTMENT BOARD SHALL BE FROM APPROPRIATIONS MADE THEREFOR; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 57-722, Idaho Code, be, and the same is hereby amended to read as follows:

57-722. INVESTMENT POWERS OF INVESTMENT MANAGER(S) -- LIMITATIONS. The board or its investment manager(s) may, and they are hereby authorized to, invest the permanent endowment funds of the state of Idaho in the following manner and in the following investments or securities and none others:

(1) For a period of two (2) years following the effective date of this act, March 25, 1969, not more than fifty per cent (50%) of the endowment funds as now invested can be reinvested otherwise than in United States treasury bills, United States treasury notes, or other United States governmental debt instruments.

(2) United States, state, county, city, or ~~shcool~~ (school) district bonds or state warrants.

(3) Bonds, notes, or other obligations of the United States or those guaranteed by, or for which the credit of, the United States is pledged for payment of the principal and interest or dividends thereof.

(4) Bonds, notes, or other obligations of the state of Idaho and its political subdivisions, or bonds, notes, and other obligations of other states and their political subdivisions, provided such bonds, notes or other obligations or the issuing agency for other than the state of Idaho and its political subdivisions have, at the time of their purchase, an AAA rating or higher by a commonly known rating service.

(5) Bonds, debentures or notes of any corporation organized, controlled and operating within the United States

which have, at the time of their purchase, an A rating or higher by a commonly known rating service. Nothing in this subsection shall apply to the provisions of subsection (6) immediately following.

(6) Corporate obligations designated as corporate convertible debt securities which have, at the time of their purchase, a BBB rating or higher by a commonly known rating service, so long as the right of conversion is not exercised.

(7) Obligations secured by mortgages constituting a first lien upon real property in the state of Idaho which are fully insured or guaranteed as to the payment of the principal by the government of the United States or any agency thereof.

(8) Time certificates of deposit and savings accounts.

SECTION 2. That Section 57-727, Idaho Code, be, and the same is hereby amended to read as follows:

57-727. ~~INVESTMENT--TRUSTEE~~ STAFF INVESTMENT MANAGER -- STAFF -- LEGAL ADVISORS. (1) With the approval of two thirds (2/3) of the members of the board, ~~an-investment trustee~~ a staff investment manager may be employed who shall perform such managerial activities and functions as the board may direct. The staff investment ~~trustee~~ manager shall serve at the pleasure of the board in an exempt position. The staff investment ~~trustee~~ manager shall be employed by the board. The salary of the staff investment ~~trustee~~ manager shall be set by the board, subject to approval of the governor, and be paid from ~~income--earned-from-the investment--of--the--endowment--funds~~ appropriations made therefor. The staff investment ~~trustee~~ manager shall be bonded in an amount established by the board.

(2) The board may authorize the employment of whatever staff it deems necessary for the administration of the board's business. The staff investment ~~trustee~~ manager shall hire such authorized staff who shall hold their respective positions subject to the rules and regulations of the Idaho personnel commission. The salaries of all staff members shall be paid from ~~income-earned-from-the-investment-of-the endowment-funds-as-the-board-may-direct~~ appropriations made therefor.

(3) The director of the department of finance shall have access to any and all books and records maintained by the staff investment ~~trustee~~ manager and his staff as the board may deem necessary.

(4) The board shall be furnished adequate and qualified

expenses shall be paid from income earned from investment of the funds as the board may direct.

(6) The board shall, upon request of the agency involved, furnish advice to the treasurer, the manager of the state insurance fund, and the public employees retirement board, and the board may, upon request of the agency, invest funds of the requesting agency.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1224

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES; AMENDING SECTION 63-202A, IDAHO CODE, TO CLARIFY THE POWER OF THE STATE TAX COMMISSION TO REQUIRE REAPPRAISALS AND TO MAKE INCIDENTAL ORDERS NECESSARY TO SUCH REAPPRAISALS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-202A, Idaho Code, be, and the same is hereby amended to read as follows:

63-202A. COMPLIANCE OF PUBLIC OFFICERS WITH ASSESSMENT AND EQUALIZATION RULES, REGULATIONS AND ORDERS OF STATE TAX COMMISSION. (1) Every public officer shall comply with any lawful order, rule or regulation of the state tax commission made pursuant to the provisions of title 63, Idaho Code.

(2) Whenever it appears to the state tax commission that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation has failed to comply with any law relating to such duties, or the rules of the state tax commission made in pursuance thereof, the state tax commission, after a hearing on the facts, may issue its order directing the public officer or employee to comply with such law or rule. An order of the state tax commission may require a county to conduct a revaluation of some or all of the property within the county as the tax commission may find necessary to promote uniformity of taxation within the county. When necessary for the implementation of such an order, the tax commission is empowered to reconvene a county board of equalization for a period not to exceed ninety (90) days beyond the date otherwise prescribed for the adjournment of such board for the sole purpose of permitting the board to hear and determine protests of valuations resulting from such ordered reappraisal provided that such protests are filed on or before the date otherwise prescribed for the adjournment of the board of equalization and that such extension is necessary for the proper completion of the board's duties. The order may further permit the certification of estimated values by the county to the state tax commission subject to

the approval of the tax commission if necessary to permit the board of equalization to properly complete its work and such values, when approved by the tax commission, may be used to set levies if actual values are unavailable on the date prescribed for setting levies.

(3) If such public officer or employee, for a period of ten (10) days after service on him of the state tax commission's order, neglects or refuses to comply therewith, the state tax commission may apply to a judge of the district court of the county in which the public officer holds office for an order, returnable within five (5) days from the date thereof, to compel such public officer or employee to comply with such law or rule, or to show cause why he should not be compelled so to do.

(4) Any order issued by the judge pursuant thereto shall be final; provided, however, that any person aggrieved by such order may appeal to the ~~S~~supreme ~~C~~court of the state of Idaho in the manner provided for appeals in other civil actions. An appeal as provided for herein shall not stay any order issued by any judge pursuant hereto pending such appeal.

(5) The remedy provided in this section shall be cumulative and shall not exclude the state tax commission from exercising any other power or right delegated to it.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 255, AS AMENDED

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO TAX CREDITS FOR CONTRIBUTIONS TO PRIVATE SCHOOLS; AMENDING SECTION 63-3029A, IDAHO CODE, TO EXTEND TO PRIVATE ELEMENTARY SCHOOLS THE STATE INCOME TAX CREDIT FOR EDUCATIONAL CONTRIBUTIONS, PROVIDING NAME CHANGES, AND TO DEFINE NONPROFIT INSTITUTION OF ELEMENTARY EDUCATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-3029A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029A. INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty per cent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to nonprofit private institutions of elementary, secondary, or higher education located within the state of Idaho.

1. In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty per cent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or fifty dollars ($50.00), whichever is less.

2. In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten per cent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

For the purposes of this section, a nonprofit institution of secondary or higher education means a private nonprofit secondary or higher educational institution located within the state of Idaho, which is accredited by the Northwest Association of ~~Secondary-and-Higher~~ Schools and Colleges, or by the state board of education. A nonprofit institution of elementary education means a private nonprofit elementary educational institution located within the state of Idaho and approved by the state board of education.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 257

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO OPEN MEETINGS; AMENDING SECTION 67-2342, IDAHO CODE, TO PROHIBIT SECRET VOTES IN PUBLIC MEETINGS; AMENDING SECTION 67-2344, IDAHO CODE, TO PROVIDE THAT MINUTES OF EXECUTIVE SESSIONS SHALL CONTAIN SUFFICIENT DETAIL TO CONVEY THE GENERAL TENOR OF THE MEETING; AMENDING SECTION 67-2345, IDAHO CODE, TO PROVIDE CONDITIONS WHEN EXECUTIVE SESSIONS ARE AUTHORIZED; AMENDING SECTION 67-2346, IDAHO CODE, TO DELETE APPLICATION OF THE ACT TO THE STATE LEGISLATURE; AND AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 67-2347, IDAHO CODE, TO PROVIDE THAT ACTION TAKEN IN VIOLATION OF THE OPEN MEETING PROVISIONS SHALL BE NULL AND VOID.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-2342, Idaho Code, be, and the same is hereby amended to read as follows:

67-2342. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1) All meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.

(2) A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced.

SECTION 2. That Section 67-2344, Idaho Code, be, and the same is hereby amended to read as follows:

67-2344. WRITTEN MINUTES OF MEETINGS. (1) The governing body of a public agency shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

(a) all members of the governing body present;

(b) all motions, resolutions, orders, or ordinances proposed and their disposition;

(c) the results of all votes, and upon the request of a member, the vote of each member, by name;

(2) Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of section 67-2345, Idaho Code, but shall contain sufficient detail to convey the general tenor of the meeting.

SECTION 3. That Section 67-2345, Idaho Code, be, and the same is hereby amended to read as follows:

67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) Nothing contained in this act shall be construed to prevent, upon a two-thirds (2/3) vote recorded in the minutes of the meeting by individual vote, a governing body of a public agency from holding an executive session during any meeting, after the presiding officer has identified the authorization under this act for the holding of such executive session. An executive session may be held:

(a) to consider ~~the-employment-of~~ hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office;

(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

(c) ~~to--conduct-deliberations-concerning-student-discipline-and-student-attendance;~~

~~(d)~~ to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;

~~(e)~~(d) to consider records that are exempt by law from public inspection;

(f)(e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations~~;~~

~~(g)--to-consider-the-evaluation-of-the-superintendent-of-the-school-district~~.

(2) Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section 67-2343, Idaho Code, subsequent sessions of the negotiations may continue without

further public notice.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

SECTION 4. That Section 67-2346, Idaho Code, be, and the same is hereby amended to read as follows:

67-2346. OPEN LEGISLATIVE MEETINGS REQUIRED. ~~The-provisions-of-this-act-shall-apply-to-each-house--of--the--legislature--of-the-state-of-Idaho.~~ All meetings of any standing, special or select committee of either house of the legislature of the state of Idaho shall be open to the public at all times, and any person may attend any meeting of a standing, special or select committee, but may participate in the committee only with the approval of the committee itself.

SECTION 5. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2347, Idaho Code, and to read as follows:

67-2347. VIOLATIONS. Any action taken at any meeting which fails to comply with the provisions of sections 67-2340 through 67-2346, Idaho Code, shall be null and void.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1171

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HOLIDAYS; AMENDING SECTION 67-5327, IDAHO CODE, TO PROVIDE THAT WHEN HOLIDAYS FALL ON SATURDAY OR SUNDAY, THE PRECEDING FRIDAY OR THE NEXT MONDAY SHALL BE A HOLIDAY; AMENDING SECTION 73-108, IDAHO CODE, TO PROVIDE THAT WHEN HOLIDAYS FALL ON SATURDAY OR SUNDAY, THE PRECEDING FRIDAY OR THE NEXT MONDAY SHALL BE A HOLIDAY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5327, Idaho Code, be, and the same is hereby amended to read as follows:

67-5327. DEFINITIONS. The following terms as used in this act are hereby defined as follows:

(a) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(b) "Classified employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of chapter 53, title 67, Idaho Code.

(c) "Department" means any department, agency, institution or office of the state of Idaho.

(d) "Holiday" means the following:

January 1 (New Year's Day);
Third Monday in February (Washington's Birthday);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veterans Day);
Fourth Thursday in November (Thanksgiving);
December 25 (Christmas).

In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. When any legal holiday falls on a Saturday, the preceding Friday shall be a holiday; and when any legal holiday falls on a Sunday, the following Monday shall be a holiday.

(e) "Overtime work" means time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours or in the case of those employees covered, any work week established for an employee under the provisions of the Fair Labor Standards Act of 1938, as amended.

(f) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

SECTION 2. That Section 73-108, Idaho Code, be, and the same is hereby amended to read as follows:

73-108. HOLIDAYS ENUMERATED. Holidays, within the meaning of these compiled laws, are:
Every Sunday;
January 1 (New Year's Day);
Third Monday in February (Washington's Birthday);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veterans Day);
Fourth Thursday in November (Thanksgiving Day).
December 25 (Christmas);
Every day appointed by the President of the United States, or by the governor of this state, for a public fast, thanksgiving, or holiday.

~~Any-reference-in-a-law-of-the--state--of--Idaho--to--the observance-of-a-legal-public-holiday-on-a-day-other-than-the day--prescribed-for-the-observance-of-such-a-holiday-by-this section-shall,-on-and-after-the-effective-date-of-this--act, be--considered--a-reference-to-the-day-for-the-observance-of such-holiday-prescribed-in-this-section.~~ Any legal holiday that falls on Saturday, the preceding Friday shall be a holiday and any legal holiday enumerated herein other than Sunday that falls on Sunday, the following Monday shall be a holiday.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 220

House Bill No. 220, relating to Workers' Compensation Liability Insurance Coverage, was VETOED by the Governor. Originally, the bill was included as pages 48-49-50. Those pages have been removed.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1024

BY COMMERCE AND LABOR COMMITTEE

AN ACT

RELATING TO PAYMENT OF PREMIUMS FOR WORKMEN'S COMPENSATION; AMENDING SECTION 72-918, IDAHO CODE, PROVIDING FOR QUARTERLY PAYMENT OF PREMIUMS AND DEPOSITS BY PUBLIC EMPLOYEES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-918, Idaho Code, be, and the same is hereby amended to read as follows:

72-918. POLICIES AND PAYMENT OF PREMIUMS. 1. Every employer insuring in the state insurance fund shall receive from the manager a contract or policy of insurance.

2. Except as otherwise provided in this chapter, all premiums shall be paid by every employer who elects to insure with the state insurance fund to the manager semi-annually, or at such times as may be prescribed by the manager. Receipts shall be given for such payments and the money shall be paid over to the state treasurer to the credit of the state insurance fund.

3. Premiums may be paid quarterly by public employers and deposits from public employers shall not be required in an amount in excess of the previous quarter's earned payment.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1137, AS AMENDED

BY STATE AFFAIRS

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW, PROVIDING EXTENSION OF UNEMPLOYMENT INSURANCE COVERAGE TO CERTAIN CLASSES OF EMPLOYEES AND EXCLUDING COVERAGE TO CERTAIN CLASSES OF EMPLOYEES; AMENDING SECTION 72-1315, IDAHO CODE, BY PROVIDING ADDITIONAL DEFINITIONS OF COVERED EMPLOYERS TO INCLUDE AGRICULTURAL LABOR, DOMESTIC SERVICE EMPLOYEE, EMPLOYEES OF GOVERNMENTAL ENTITIES, EMPLOYEES OF A NONPROFIT ORGANIZATION AND PROVIDING FOR OPTIONAL COVERAGE AT THE DISCRETION OF THE EMPLOYER; AMENDING SECTION 72-1316, IDAHO CODE, BY STRIKING CERTAIN EXCEPTIONS TO COVERED EMPLOYMENT; REPEALING SECTION 72-1316A, IDAHO CODE, RELATING TO COVERAGE OF STATE EMPLOYEES; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1316A, IDAHO CODE, RELATING TO EXEMPTION FROM COVERAGE, BY PROVIDING ADDITIONAL SPECIFIC EXEMPTIONS; REPEALING SECTION 72-1316.1, IDAHO CODE, RELATING TO CONTRIBUTIONS TO THE UNEMPLOYMENT COMPENSATION TRUST FUND BY THE STATE OF IDAHO; REPEALING SECTION 72-1320, IDAHO CODE, RELATING TO THE DEFINITION OF "EMPLOYER"; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1320, IDAHO CODE, BY PROVIDING A DEFINITION OF "CREW LEADER"; AMENDING SECTION 72-1322B, IDAHO CODE, BY REDEFINING AN "EDUCATIONAL INSTITUTION" TO INCLUDE PRIMARY AND SECONDARY SCHOOLS; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1322C, IDAHO CODE, BY DEFINING A "GOVERNMENTAL ENTITY"; AMENDING SECTION 72-1327, IDAHO CODE, DEFINING "STATE", BY EXTENDING THE DEFINITION TO INCLUDE PUERTO RICO AND THE VIRGIN ISLANDS; AMENDING SECTION 72-1342, IDAHO CODE, BY ALLOWING A WAIVER OF CONFIDENTIALITY BETWEEN EMPLOYER AND EMPLOYEE, REQUIRING THE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT TO MAKE CERTAIN INFORMATION AVAILABLE UPON REQUEST BY A PUBLIC AGENCY ADMINISTERING AID TO FAMILIES WITH DEPENDENT CHILDREN AND CHILD SUPPORT PAYMENT PROGRAMS; AMENDING SECTION 72-1349, IDAHO CODE, RELATING TO PAYMENT OF UNEMPLOYMENT INSURANCE TAX CONTRIBUTIONS, BY STRIKING THOSE PROVISIONS RELATING TO NONPROFIT ORGANIZATIONS; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1349A, IDAHO CODE, PROVIDING FOR COVERAGE OF NONPROFIT ORGANIZATIONS; AMENDING

CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1349B, IDAHO CODE, BY REQUIRING COVERAGE OF STATE GOVERNMENTAL ENTITIES AND PROVIDING OPTIONAL METHODS OF PAYMENT OF CONTRIBUTIONS; AMENDING SECTION 72-1352, IDAHO CODE, BY REMOVING PROVISIONS RELATING TO GOVERNMENTAL ENTITIES; AMENDING SECTION 72-1366, IDAHO CODE, BY EXTENDING EXEMPTIONS FROM ELIGIBILITY TO CERTAIN EMPLOYEES OF ALL PUBLIC EDUCATIONAL INSTITUTIONS, CERTAIN PROFESSIONAL ATHLETES, AND ILLEGAL ALIENS; AMENDING SECTION 72-1367A, IDAHO CODE, BY DEFINING WHAT SHALL CONSTITUTE A TRIGGERING OF EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS AND PROVIDING FOR UNEMPLOYMENT LEVELS WHICH TERMINATE EXTENDED BENEFITS; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1380, IDAHO CODE, BY PROVIDING FEDERAL REIMBURSEMENT TO THE STATE FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING THE TRANSITION PERIOD; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1316B, BY PROVIDING TERMINATION OF COVERAGE OF CERTAIN GOVERNMENTAL ENTITITES; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1315, Idaho Code, be, and the same is hereby amended to read as follows:

72-1315. COVERED EMPLOYER. The term "covered employer" means:

(a) ~~An-employer-as--defined--in--section--72-1320,~~ Any person who, in any calendar quarter in either the current or preceding calendar year paid for services in covered employment wages of $300 or more, or for some portion of a day in each of twenty (20) different calendar weeks, whether or not consecutive, in either the current or preceding calendar year employed at least one (1) individual (irrespective of whether the same individual was in employment in each such day). For purposes of this subsection there shall not be taken into account any wages paid to, or in employment of, an employee performing domestic services referred to in subsection (h) of this section.

(b) All individuals performing services within this state for an employer who maintains two (2) or more separate establishments withih this state shall be deemed to be performing services for a single employer for all the purposes of this act.

(c) Each individual engaged to perform or assist in performing the work of any person in the service of an employer shall be deemed to be engaged by such employer for all the purposes of this act, whether such individual was engaged or paid directly by such employer or by such person, provided the employer had actual or constructive knowledge of the work.

~~(b)~~ (d) Any employer (whether or not an employer at the time of acquisition) who acquires the organization, trade, or business or substantially all the assets thereof, of another who at the time of such acquisition was a covered employer.

(e) In the case of agricultural labor, any person who:

(1) during any calendar quarter in the calendar year or the preceding calendar year paid wages in cash of twenty thousand dollars ($20,000) or more for agricultural labor, or

(2) on each of some twenty (20) days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least ten (10) individuals in employment in agricultural labor for some portion of the day.

(3) Such labor is not agricultural labor performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

(f) A crew leader who furnishes members of a crew to perform agricultural labor for another person if:

(1) such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or

(2) substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(3) if such individual is not an employee of such other person within the meaning of section 72-1316(d), Idaho Code.

(g) In the case of any individual who is furnished by a crew leader to perform agricultural labor for another person, such other person and not the crew leader shall be treated as the employer of such individual if such crew leader is not, under the provisions of subsection (f) of this section, considered to be the employer and such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his behalf or on behalf of such other person) for the agricultural labor performed for such other person.

(h) In the case of domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, with respect to any calendar year, any person who during any calendar quarter in the calendar year or the preceding calendar year paid wages in cash of one thousand dollars ($1,000) or more for such service.

(1) a person treated as a covered employer under this subsection (h) shall not be treated as a covered employer with respect to wages paid for any service other than domestic service referred to in this subsection (h) unless such person is treated as a covered employer under subsection (a) or (e) of this section, with respect to such other service.

(i) Any governmental entity as defined in section 72-1322C, Idaho Code.

(j) A nonprofit organization as defined in subsection (a) of section 72-1349A, Idaho Code.

(k) An employer who has elected coverage pursuant to the provisions of subsection (c) of section 72-1352, Idaho Code.

SECTION 2. That Section 72-1316, Idaho Code, be, and the same is hereby amended to read as follows:

72-1316. COVERED EMPLOYMENT. (a) The term "covered employment" means an individual's entire service, including service in interstate commerce, performed by him for wages or under any contract of hire, written or oral, express or implied.~~, except~~

~~(1) Agricultural labor, as defined by section 72-1304, Idaho Code;~~

~~(2) Service performed as domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;~~

~~(3) (A) Service performed by an individual in the employ of his spouse;~~

~~(B) Service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;~~

~~(C) Service performed by a student or students enrolled in a bona fide secondary school program administered by an accredited school district which includes work training experience not exceeding twenty (20) hours per week;~~

~~(4) Service performed in the employ of the United~~

~~States-government-or-an-instrumentality-of-the-United-States exempt-under-the-Constitution-of-the-United-States-from--the contributions-imposed-by-this-act-except-that,-to-the-extent that--the--Congress-of-the-United-States-shall-permit-states to-require-any-instrumentality-of-the-United-States-to--make payments-into-a-fund-under-a-state-unemployment-compensation or-insurance-law,-all-of-the-provisions-of-this-act-shall-be applicable--to--such--instrumentalities-and-to-services-performed-for-such-instrumentalities,-in-the--same--manner,--to the--same-extent,-and-on-the-same-terms-as-to-all-other-covered-employers,-persons,--individuals,--and--services;--provided,--that--if--this--state-shall-not-be-certified-for-any year-by-the-secretary-of-labor-under--section--3304--of--the Federal-Internal-Revenue-Code-of-1954,-the-payments-required of--such--instrumentality-with-respect-to-such-year-shall-be refunded-by-the-director-from-the-employment--security--fund in-the-same-manner-and-within-the-same-period-as-is-provided in--section--72-1357,--Idaho-Code,-with-respect-to-contributions-erroneously-collected,~~

~~(5)--Service-performed-in-the-employ-of-any-state--other than--Idaho,--or--any--political-subdivision-thereof,-or-any instrumentality-of-the-foregoing-which-is--wholly--owned--by such-other-states-or-political-subdivisions;-and-any-service performed--in--the--employ--of-any-instrumentality-of-one-or more-other-states-or-political-subdivisions--to--the--extent that--the--instrumentality-is,-with-respect-to-such-service, exempt-under-the-Constitution-of-the-United-States-from--the tax--imposed--by--chapter--23,--subtitle--C--of--the-Federal Internal-Revenue-Code-of-1954;~~

~~(6)--Service-performed--in--the--employ--of--any--public institution--or-instrumentality-which-acquires-its-operating funds-primarily-through-direct-or-indirect-taxation,-including-but-not-limited-to,--counties,--municipalities,--highway districts,---drainage--districts,--cemetery--districts,--and school-districts;-provided,-however,-that-service--performed in--the-employ-of-irrigation-districts-and-soil-conservation districts-shall-be-considered-covered-employment;~~

~~(7)--Service-performed:~~

~~(A)--In-the-employ-of-(1)--a--church--or--convention--or association--of-churches,-solely-in-religious-activities,-or (2)-an-organization-which-is-operated--primarily--for--religious--purposes--and-which-is-operated,-supervised,-controlled,-or-principally-supported-by-a-church,-or-convention--or association-of-churches;-or~~

~~(B)--In-the-employ-of-a-public-or-parochial-school-which~~

~~is--not--an-institution-of-higher-education,-or-if-an-insti-~~
~~tution-of-higher-education-it-is-devoted-primarily--to--pre-~~
~~paration--of--a--student-for-the-ministry-or-training-candi-~~
~~dates-to-become-members-of-a-religious-order,-or~~

~~(C)--By--a--duly--ordained,--commissioned,--or--licensed~~
~~minister-of-a-church-in-the-exercise-of-his-ministry-or-by-a~~
~~member--of--a--religious--order--in--the--exercise-of-duties~~
~~required-by-such-order,-or~~

~~(D)--In-a-facility-conducted-for-the-purpose-of-carrying~~
~~out-a-program-of-rehabilitation-for-individuals-whose--earn-~~
~~ing--capacity-is-impaired-by-age-or-physical-or-mental-defi-~~
~~ciency-or-injury-or-providing-remunerative--work--for--indi-~~
~~viduals--who--because--of--their-impaired-physical-or-mental~~
~~capacity-cannot-be-readily-absorbed-in-the-competitive-labor~~
~~market-by-an-individual--receiving--such--rehabilitation--or~~
~~remunerative-work,-or~~

~~(E)--As--part--of-an-unemployment-work-relief-program-or~~
~~as-part-of-an-unemployment-work-training-program-assisted-or~~
~~financed-in-whole-or-in-part-by-any--federal--agency--or--an~~
~~agency--of--a--state-or-political-subdivision-thereof,-by-an~~
~~individual-receiving-such-work-relief-or-work-training.~~

~~(8)--Service-with-respect-to-which-unemployment--compen-~~
~~sation-or-insurance-is-payable-under-an-unemployment-compen-~~
~~sation--system--established-by-an-Act-of-Congress-other-than~~
~~the-Social-Security-Act.~~

~~(9)--Service-performed-as-a-student-nurse-in-the--employ~~
~~of--a--hospital--or-nurses'-training-school-by-an-individual~~
~~who-is-enrolled-and-is--regularly--attending--courses--in--a~~
~~nurses'--training--school--chartered-or-approved-pursuant-to~~
~~the-state-law,-and-service-performed-as--an--intern--in--the~~
~~employ--of--a--hospital-by-an-individual-who-has-completed-a~~
~~course-in-a-medical-school-chartered-or-approved-pursuant-to~~
~~state-law,~~

~~(10)--Service-performed-by-an-individual-under--the--age~~
~~of--eighteen--(18)--years-in-the-delivery-or-distribution-of~~
~~newspapers--or--shopping--news--not--including--delivery--or~~
~~distribution-to-any-point-for-subsequent-delivery-or-distri-~~
~~bution,-and~~

~~(A)--Service--performed-by-an-individual-for-a-person-as~~
~~an-insurance-agent-or-as-an-insurance-solicitor,-if-all-such~~
~~service-performed-by-such-individual-for-such-person-is-per-~~
~~formed-for-remuneration-solely-by-way-of-commission,-and~~

~~(B)--Service-performed--by--an--individual--for--a--real~~
~~estate--broker--as--an--associate-real-estate-broker-or-as-a~~
~~real-estate-salesman,-if-all-such-service-performed-by--such~~

~~individual for such person is performed for remuneration solely by way of commission;~~

~~(11) Service covered by an election duly approved by the agency charged with the administration of any other state or federal employment compensation or unemployment insurance law, in accordance with an arrangement pursuant to section 72-1344, Idaho Code, during the effective period of such election;~~

~~(12) Service performed in the employ of a school or college by a student who is enrolled and regularly attending classes at such school or college;~~

~~(13) Service performed in the employ of a hospital by a patient during the time that he is a patient of such hospital;~~

(b) Notwithstanding any of the other provisions of this ~~section~~ act, services shall be deemed to be in covered employment if with respect to such services a tax is required to be paid or was required to be paid the previous year pursuant to the provisions of the federal Unemployment Tax Act imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act is required to be covered under this act.

(c) Services covered by an election pursuant to section 72-1352, Idaho Code, and services covered by an election duly approved by the director in accordance with an arrangement pursuant to section 72-1344, Idaho Code, shall be deemed to be covered employment during the effective period of such election.

(d) Services performed by an individual for remuneration shall, for the purposes of the Employment Security Law, be covered employment:

(1) Unless it is shown:

(A) that the worker has been and will continue to be free from control or direction in the performance of his work, both under his contract of service and in fact, and

(B) that the worker is engaged in an independently established trade, occupation, profession, or business;

(2) Even though such individual meets the exemption of subsection (d)(1)(A) and (B) of this section but performs services;

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages, or laundry or dry cleaning services for his principal;

(B) As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to his principal (except for side line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(e) The term "covered employment" shall include an individual's entire service, performed within or both within and without this state,

(1) if the service is localized in this state; or

(2) if the service is not localized in any state but some of the service is performed in this state and

(A) The individual's base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state, or

(B) the individual's base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(3) Service shall be deemed to be localized within a state if

(A) the service is performed entirely within such state; or

(B) the service if performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(4) The term "covered employment" shall include an individual's service, wherever performed within the United States, the Virgin Islands, or Canada, if

(A) such service is not covered under the unemployment compensation law of any other state, the Virgin Islands, or Canada, and

(B) the place from which the service is directed or controlled is in this state.

(f) The term "covered employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States, (except in Canada ~~or--the-Virgin-Islands~~) in the employ of an American employer (other than service which is deemed "covered employment" under the provisions of subsection (e) of this section or the parallel provisions of another state's law);

if

(1) the employer's principal place of business in the United States is located in this state; or

(2) the employer has no place of business in the United States; but

(A) the employer is an individual who is a resident of this state; or

(B) the employer is a corporation which is organized under the laws of this state; or

(C) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(3) None of the criteria of provisions of (1) or (2) of this subsection (e) are met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits based on such service, under the law of this state;

(4) An "American employer" for purposes of this subparagraph means a person who is:

(A) an individual who is a resident of the United States; or

(B) a partnership if two-thirds (2/3) or more of the partners are residents of the United States; or

(C) a trust if all of the trustees are residents of the United States; or

(D) a corporation organized under the laws of the United States or of any state;

(5) For purposes of this subsection (f) the term "United States" means the states, the District of Columbia, and the Commonwealth of Puerto Rico, and the Virgin Islands.

SECTION 3. That Section 72-1316A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1316A, Idaho Code, and to read as follows:

72-1316A. EXEMPT EMPLOYMENT. The term "exempt employment" means:

(a) Agricultural labor, as defined by section 72-1304, Idaho Code, unless after December 31, 1977, the individual's service was for a person who:

(1) during any calendar quarter in the current calendar year or the preceding calendar year paid wages in cash of twenty thousand dollars ($20,000) or more for agricultural labor; or

(2) on each of some twenty (20) days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least ten (10) individuals in employment in agricultural labor for some portion of the day in which case such service shall be considered service in covered employment;

(b) Service performed as domestic service in a private home, local college club, or local chapter of a college fraternity or sorority unless after December 31, 1977, the service was performed for a person who paid wages in cash of one thousand dollars ($1,000) or more to individuals employed in such domestic service in any calendar quarter in the calendar year or the preceding calendar year, in which case such service shall be considered covered employment.

(c) (1) Service performed by an individual in the employ of his spouse;

(2) Service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;

(3) Service performed by a student or students enrolled in a bona fide secondary school program administered by an accredited school district which includes work training experience not exceeding twenty (20) hours per week.

(d) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act except that, to the extent that the congress of the United States shall permit states to require any instrumentality of the United States to make payments into a fund under a state unemployment compensation or insurance law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other covered employers, persons, individuals, and services; provided, that if this state shall not be certified for any year by the secretary of labor under section 3304 of the Federal Internal Revenue Code of 1954, the payments required of such instrumentality with respect to such year shall be refunded by the director from the employment security fund in the same manner and within the same period as is provided in section 72-1357, Idaho Code, with respect to contributions erroneously collected.

(e) Service performed in the employ of a governmental entity in the exercise of duties:

(1) as an elected official;

(2) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision thereof;

(3) as a member of the state national guard or air national guard;

(4) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or

(5) in a position which, under or pursuant to the law of this state, is designated as (i) a major nontenured policy making or advisory position, or (ii) a policy making or advisory position the performance of the duties of which ordinarily does not require more than eight (8) hours per week.

(f) Prior to January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.

(g) Service performed:

(1) in the employ of (i) a church or convention or association of churches, solely in religious activities, or (ii) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church, or convention or association of churches; or

(2) in the employ of an institution of higher education, if it is devoted primarily to preparation of a student for the ministry or training candidates to become members of a religious order; or

(3) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(4) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired

physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(5) as part of an unemployment work relief program or as part of an unemployment work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(h) Service with respect to which unemployment compensation or insurance is payable under an unemployment compensation system established by an act of congress other than the Social Security Act.

(i) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending courses in a nurses' training school chartered or approved pursuant to the state law, and service performed as an intern in the employ of a hospital by an individual who has completed a course in a medical school chartered or approved pursuant to state law.

(j) Service performed by an individual under the age of eighteen (18) years in the delivery or distribution of newspapers or shopping news not including delivery or distribution to any point for subsequent delivery or distribution.

(k) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(l) Service performed by an individual for a real estate broker as an associate real estate broker or as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(m) Service covered by an election duly approved by the agency charged with the administration of any other state or federal employment compensation or unemployment insurance law, in accordance with an arrangement pursuant to section 72-1344, Idaho Code, during the effective period of such election.

(n) Service performed in the employ of a school or college by a student who is enrolled and regularly attending classes at such school or college.

(o) Service performed in the employ of a hospital by a patient during the time that he is a patient of such hospital.

SECTION 5. That Section 72-1316.1, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 72-1320, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1320, Idaho Code, and to read as follows:

72-1320. CREW LEADER. The term "crew leader" means an individual who:

(a) furnishes individuals to perform agricultural labor for any other person,

(b) pays (either on his behalf or on behalf of such other person) the individuals so furnished by him for the agricultural labor performed by them, and

(c) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

SECTION 8. That Section 72-1322B, Idaho Code, be, and the same is hereby amended to read as follows:

72-1322B. ~~INSTITUTION--OF--HIGHER-EDUCATION~~ EDUCATIONAL INSTITUTION DEFINED. For purposes of this act, ~~"institution of-higher-education"~~ "educational institution" means ~~an-educational-institution-which~~

(a) an institution of higher education which:

~~(a)~~ (1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; and

~~(b)~~ (2) Is legally authorized in this state to provide a program of education beyond high school; and

~~(c)~~ (3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

(b) A primary ' or secondary school which provides education through grade twelve (12).

SECTION 9. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1322C, Idaho Code, and to read as follows:

72-1322C. GOVERNMENTAL ENTITY DEFINED. When used in this act the term "governmental entity" means a state, or any political subdivision of a state, or a instrumentality of a state or a political subdivision thereof.

SECTION 10. That Section 72-1327, Idaho Code, be, and the same is hereby amended to read as follows:

72-1327. STATE. The term "state" includes, in addition to the states of the United States of America, the District of Columbia ~~and~~, the Dominion of Canada, the commonwealth of Puerto Rico, and the Virgin Islands.

SECTION 11. That Section 72-1342, Idaho Code, be, and the same is hereby amended to read as follows:

72-1342. DISCLOSURE OF INFORMATION. Except as hereinafter otherwise provided, information obtained from any employer or individual pursuant to the administration of this act, and determinations of the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or the employer's identity. Provided, however, that if all interested parties waive in writing the right to hold said information confidential, said information may be disclosed. Any claimant (or his legal representative) shall be supplied with information from the records available to the director, to the extent necessary for the proper presentation of the claim in any proceedings under this act with respect thereto. Any cost reimbursement employer shall be supplied with information from the records available to the director to the extent necessary to identify or determine actual or potential costs for which it may be required to reimburse the department. Subject to such restrictions as the director may by regulation prescribe, such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury. Upon request therefor the director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act. It shall be the duty of the director to assure that each employment office in this state upon written request of a public agency administering or supervising the administration of a state plan approved under part A of title IV of the Social Security Act or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such act, shall (and, notwithstanding any other provision of law, is hereby authorized to) furnish to such agency making the request, from any data contained in the files of any such employment office, information with respect to any individual specified in the request as to (A) whether such individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual, (B) the current (or most recent) home address of such individual, and (C) whether such individual has refused an offer of employment and, if so, a description of the employment so offered and terms, conditions, and rate of pay therefor. The director may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this act, and may in connection with such request transmit any such report or return to the comptroller of the currency of the United States as provided in section 1606(c) of the Federal Internal Revenue Code.

SECTION 12. That Section 72-1349, Idaho Code, be, and the same is hereby amended to read as follows:

72-1349. PAYMENT OF CONTRIBUTIONS. (a) Contributions shall be paid on taxable wages for each calendar year equal to the amount as determined in accordance with section 72-1350(a), Idaho Code. Contributions on wages paid to an individual under another state unemployment insurance law, or paid by an employer's predecessor during the calendar year, shall be counted in complying with this provision.

(b) Contributions shall accrue and become payable by each covered employer for each calendar quarter with respect to wages for covered employment. Such contributions shall become due and be paid by each covered employer to the director for the employment security fund in accordance with such rules and regulations as the director may prescribe, and shall not be deducted in whole or in part from the wages of individuals employed by such employer.

(c) The contributions payable by each covered employer, with respect to covered employment, accruing in each calendar quarter, shall be paid on or before the last day of the month following the close of said calendar quarter.

(d) The director may, for good cause shown by a covered employer, extend the time for payment of his contributions or any part thereof, but no such extension of time shall postpone the due date more than sixty (60) days. Contributions with respect to which an extension of time for payment has been granted shall be paid on or before the last day of the period of the extension.

(e) Whenever it appears to be essential to the proper administration of this act that collection of the contributions of a covered employer must be made more often than quarterly, the director shall have authority to demand payment of the contributions of such covered employer forthwith or at such specific times as the director shall order.

(f) In accordance with regulations as the director may prescribe, any person or persons entering into a formal contract with the state, any county, city, town, school or irrigation district, or any quasi public corporation of the state, for the construction, alteration, or repair of any public building, public work, or quasi public work, the contract price of which exceeds the sum of two hundred dollars ($200) may be required before commencing such work, to execute a surety bond in an amount sufficient to cover contributions when due. In case the director who approves said bond shall determine that said bond has become insufficient or inadequate, he may require that a new bond be provided in such amount as he may direct. Failure on the part of the covered employer covered by the bond to pay the full amount of his contributions when due shall render the surety liable on said bond as though the surety was the employer and subject to the other provisions of this act.

~~(g) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of~~

~~this subsection. For the purpose of this subsection, a nonprofit organization is a religious, charitable, educational or other organization which is described in section 501(c)(3) of the Federal Internal Revenue Code and which is exempt from tax under section 501(a) of such code.~~

~~A group of nonprofit organizations may elect with the approval of the director to act as a group in fulfilling the requirements of this subsection or of this act.~~

~~(1) Liability for contributions and election of reimbursements. Any nonprofit organization shall pay contributions under the provisions of subsections (a), (b), (c), (d), and (e), of this section, unless it elects in accordance with this paragraph to pay to the director for the unemployment fund an amount equal to the amount of regular benefits and one-half (1/2) the extended benefits paid for any reason including but not limited to payments made as a result of a determination or payments erroneously or incorrectly paid or paid as a result of a determination of eligibility which is subsequently reversed, if said payment or any portion thereof was made as a result of wages earned in the employ of such nonprofit organization, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the nonprofit organization which reimbursed the fund for the payment of said benefits. Where such benefits are paid utilizing wages paid by two (2) or more employers, the portion of benefits to be repaid by a nonprofit organization shall be their proportionate share. This shall be computed on the basis of the relationship between wages utilized which were earned for services performed for such nonprofit organization and the total wages utilized in paying such benefits.~~

~~(A) Any nonprofit organization may elect to become liable for payments in lieu of contributions, provided it files with the director a written notice of its election within the thirty (30) day period following: January 1, 1972, if such organization is, or becomes subject to this act on January 1, 1972, or the date of the determination that such organization is subject if it becomes subject after January 1, 1972, such election shall be effective for not less than twelve (12) months and will continue to be in effect until terminated. The nonprofit organization must file with the director a written notice of termination of such election not later than thirty (30) days prior to the beginning of the taxable year for which such termination~~

~~shall first be effective. The director may terminate the election as provided in this paragraph. The director may for good cause extend the period within which a notice of election, or a notice of termination must be filed.~~

~~(B) Any nonprofit organization which has been paying contributions under this act for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.~~

~~(C) The director shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to reconsideration, appeal, and review in accordance with provisions of subsections (f), (g), (h), and (i) of section 72-1368, Idaho Code.~~

~~(2) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).~~

~~(A) 1. At the end of each calendar quarter, or at the end of any other period as determined by the director, the director shall bill each nonprofit organization (or group of nonprofit organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one half (1/2) of the amount of extended benefits paid for any reason as herein provided in paragraph (g)(1) above during such quarter or other prescribed period which is paid as a result of wages earned in the employ of such organization.~~

~~2. Bond on surety requirements. Any nonprofit organization that elects to become liable for payments in lieu of contributions may be required to obtain and deposit with the director a surety bond approved by the director. The amount of the bond shall be determined by the director on the basis of potential liability for benefit costs of each employing nonprofit organization. Such bond shall be in force for a period of not less than two (2) years, and shall be renewed not less frequently than two (2) year intervals for as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in the bond filed as deemed appropriate.~~

~~When upward adjustments are required, the adjusted bond shall be filed within thirty (30) days of the date notice of the required adjustment was mailed. Failure by an organiza- due, together with interest and penalties, as provided in section 72-1354, Idaho Code, shall render the surety liable on said bond to the extent of the bond, as though the surety was a liable organization.~~

~~(B) Payment in advance. Nonprofit organizations may elect to make payments in lieu of contributions in advance of actual billing for payment costs. Advance payments shall be made as follows: At the end of each calendar quarter, the nonprofit organization shall pay one per cent (1%) of its total quarterly payroll. Such payments shall become due and payable within thirty (30) days following the quarter ending.~~

~~At the end of such taxable year the director shall compute the benefit costs attributable to such nonprofit orga- nization, as provided in subsection (A)1 above. The director will then debit the employer's account with these charges. When payments exceed benefit charges, the employer will be credited on (next year's tax) subsequent benefit charges with the overpayment, or given a refund upon request.~~

~~(C) 1. Failure to pay timely. If any nonprofit orga- nization is delinquent in making payments in lieu of contributions, as required under paragraph (A)1 or (B) of this subsection, the director may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.~~

~~2. Any nonprofit organization becoming delinquent in making payment in lieu of contributions as required in (A)1 and (B) of this subsection shall be subject to the penalty provisions provided in section 72-1354, Idaho Code, and subject to the collection provisions of section 72-1355, Idaho Code.~~

~~(D) Appeals procedure. The nonprofit organization making payments in lieu of contributions may appeal the director's determination of benefit charges and payment credits as provided in section 72-1368, Idaho Code.~~

~~(h)~~ (g) In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent (1/2¢) or more, in which case it shall be increased to one cent (1¢).

SECTION 13. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1349A, Idaho Code, and to read as follows:

72-1349A. FINANCING OF BENEFIT PAYMENTS BY NONPROFIT ORGANIZATIONS. (a) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this section. For the purpose of this section, a nonprofit organization is a religious, charitable, educational or other organization which is described in section 501 (c)(3) of the Federal Internal Revenue Code and which is exempt from tax under section 501(a) of such code.

A group of nonprofit organizations may elect with the approval of the director to act as a group in fulfilling the requirements of this section or of this act.

(1) Liability for contributions and election of reimbursements. Any nonprofit organization shall pay contributions under the provisions of section 72-1349, Idaho Code, unless it elects in accordance with this paragraph to pay to the director for the unemployment fund an amount equal to the amount of regular benefits and one-half (1/2) the extended benefits paid, for any reason including but not limited to payments made as a result of a determination or payments erroneously or incorrectly paid or paid as a result of a determination of eligibility which is subsequently reversed, if said payment or any portion thereof was made as a result of wages earned in the employ of such nonprofit organization, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the nonprofit organization which reimbursed the fund for the payment of said benefits. Where such benefits are paid utilizing wages paid by two (2) or more employers, the portion of benefits to be repaid by a nonprofit organization shall be their proportionate share. This shall be computed on the basis of the relationship between wages utilized which were earned for services performed for such nonprofit organization and the total wages utilized in paying such benefits.

(A) Any nonprofit organization may elect to become liable for payments in lieu of contributions, provided it files with the director a written notice of its election within the thirty (30) day period following: January 1, 1972, if such organization is, or becomes subject to this act on January 1, 1972, or the date of the determination that such organization is subject if it becomes subject after January 1, 1972, such election shall be effective for not less than twelve (12) months and will continue to be in effect until terminated. The nonprofit organization must file with the director a written notice of termination of such election not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective. The director may terminate the election as provided in this paragraph. The director may for good cause extend the period within which a notice of election, or a notice of termination must be filed.

(B) Any nonprofit organization which has been paying contributions under this act for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(C) The director shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to reconsideration, appeal, and review in accordance with provisions of subsections (f), (g), (h) and (i) of section 72-1368, Idaho Code.

(2) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B).

(A) 1. At the end of each calendar quarter, or at the end of any other period as determined by the director, the director shall bill each nonprofit organization (or group of nonprofit organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits paid for any reason as herein provided in paragraph (a)(1) above during such quarter or other prescribed period which is paid as a result of wages earned in the employ of such organization.

2. Bond on surety requirements. Any nonprofit organization that elects to become liable for payments in lieu of contributions may be required to obtain and deposit with the director a surety bond approved by the director. The amount of the bond shall be determined by the director on the basis of potential liability for benefit costs of each employing nonprofit organization. Such bond shall be in force for a period of not less than two (2) years, and shall be renewed not less frequently than two (2) year intervals for as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in the bond filed as deemed appropriate. When upward adjustments are required, the adjusted bond shall be filed within thirty (30) days of the date notice of the required adjustment was mailed. Failure by an organization covered by such bond to pay the full amount of payments due, together with interest and penalties, as provided in section 72-1354, Idaho Code, shall render the surety liable on said bond to the extent of the bond, as though the surety was a liable organization.

(B) Payment in advance. Nonprofit organizations may elect to make payments in lieu of contributions in advance of actual billing for payment costs. Advance payments shall be made as follows: At the end of each calendar quarter, the nonprofit organization shall pay one per cent (1%) of its total quarterly payroll. Such payments shall become due and payable within thirty (30) days following the quarter ending.

At the end of such taxable year the director shall compute the benefit costs attributable to such nonprofit organization, as provided in subsection (A) 1 above. The director will then debit the employer's account with these costs. When payments exceed benefit costs, the employer will be credited on subsequent benefit costs with the overpayment, or given a refund upon request. When payments are not sufficient to pay such benefit costs, the employer will be billed the additional amount necessary to pay such costs.

(C) 1. Failure to pay timely. If any nonprofit organization is delinquent in making payments in lieu of contributions, as required under paragraph (A) 1 or (B) of this subsection, the director may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

2. Any nonprofit organization becoming delinquent in making payment in lieu of contributions as required in (A)1 and (B) of this subsection shall be subject to the penalty provisions provided in section 72-1354, Idaho Code, and subject to the collection provisions of section 72-1355, Idaho Code.

(D) Appeals procedure. The nonprofit organization making payments in lieu of contributions may appeal the director's determination of benefit costs and payment credits as provided in section 72-1368, Idaho Code.

(b) In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent (1/2¢) or more, in which case it shall be increased to one cent (1¢).

SECTION 14. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1349B, Idaho Code, and to read as follows:

72-1349B. FINANCING OF BENEFIT PAYMENTS BY GOVERNMENTAL ENTITIES. (a) Benefits paid to employees of any governmental entity, as defined by Section 72-1322C, Idaho Code, shall be financed in accordance with the provisions of section 72-1349, Idaho Code, unless the governmental entity elects in accordance with the provisions of this section to pay to the director for the unemployment fund an amount equal to the amount of regular benefits and one-half (1/2) the extended benefits paid, for any reason including but not limited to payments made as a result of a determination or payments erroneously or incorrectly paid or paid as a result of a determination of eligibility which is subsequently reversed, if said payment or any portion thereof was made as a result of wages earned in the employ of a governmental entity, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the governmental entity which reimbursed the fund for the payment of said benefits. Where such benefits are paid utilizing wages paid by two (2) or more employers, the portion of benefits to be repaid by the governmental entity shall be their proportionate share. This shall be computed on the basis of the relationship between wages utilized which were earned for services performed for the governmental entity and the total wages utilized in paying such benefits.

(1) Any governmental entity may elect to become liable for payments in lieu of contributions, provided it files with the director a written notice of its election within the thirty (30) day period following: January 1, 1978, if such governmental entity is, or becomes subject to this act on January 1, 1978; or the date of the determination that such organization is subject if it becomes subject after January 1, 1978, such election shall be effective for not less than twelve (12) months and will continue to be in effect until terminated. The governmental entity must file with the director a written notice of termination of such election not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective. The director may for good cause extend the period within which a notice of election, or a notice of termination must be filed.

(2) Any governmental entity which has been paying contributions under this act for a period subsequent to January 1, 1978, may change to a reimbursable basis by filing with the director not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the governmental entity for that and the next year.

(3) The director shall notify the governmental entity of any determination which he may make of its status as

an employer and of the effective date of any election which it makes and of any termination of such election. Such determination shall be subject to reconsideration, appeal and review in accordance with provisions of subsections (f), (g), (h), and (i) of section 72-1368, Idaho Code.

(b) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (1) or subparagraph (2).

(1) At the end of each calendar quarter, or at the end of any other period as determined by the director, the director shall bill each governmental entity which as elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half (1/2) of the amount of extended benefits paid for any reason as herein provided in subsection (a) above during such quarter or other prescribed period which is paid as a result of wages earned in the employ of such organization.

(2) Payment in advance. Any governmental entity may elect to make payments in lieu of contributions in advance of actual billing for payment costs. Advance payments shall be made as follows: At the end of each calendar quarter, the governmental entity shall pay one per cent (1%) of its total quarterly payroll, unless the director determines that a lesser percentage will cover the cost of payment of benefits to the employees of said governmental entity. Such payments shall become due and payable within thirty (30) days following the quarter ending.

At the end of such taxable year the director shall compute the benefit costs attributable to such governmental entity, as provided in subsection (1) above. The director will then debit the employer's account with these costs. When payments exceed benefit costs, the employer will be credited on subsequent benefit costs with the overpayment, or given a refund upon request. When payments are not sufficient to pay benefit costs the employer will be billed the additional amount necessary to pay such costs.

(A) Any governmental entity becoming delinquent in making payment in lieu of contributions as required in (1) and (2) of this subsection shall be subject to the penalty provisions provided in section

72-1354, Idaho Code, and subject to the collection provisions of section 72-1355, Idaho Code.

(B) Appeals procedure. The governmental entity making payments in lieu of contributions may appeal the director's determination of benefit costs and payment credits as provided in section 72-1368, Idaho Code.

(c) In the payment of any contributions a fractional part of a cent shall be disregarded unless it amounts to one-half cent (1/2¢) or more, in which case it shall be increased to one cent (1¢).

SECTION 15. That Section 72-1352, Idaho Code, be, and the same is hereby amended to read as follows:

72-1352. PERIOD, TERMINATION, AND ELECTION OF EMPLOYER COVERAGE. (a) Except as otherwise provided in subsection (c) of this section any employer who is or becomes a covered employer within any calendar year shall be deemed to be a covered employer until his coverage is terminated.

(b) The coverage of any covered employer may be terminated if --

(1) As of the close of any calendar quarter, it is found that such covered employer had no individuals performing services for him in covered employment, and that the continued operation of his trade, profession, or business is not likely to result in his having a quarterly payroll of three hundred dollars ($300) or more within the ensuing two (2) calendar quarters, or

(2) As of the close of a calendar year, it is found that such covered employer did not pay or become liable to pay for services rendered to him in covered employment wages amounting to three hundred dollars ($300) or more in any calendar quarter of such year, and that the continued operation of his trade, profession, or business is not likely to create covered employment as defined in section 72-1316, Idaho Code, within the ensuing calendar year.

(3) Notwithstanding the provisions in subsections (b)(1) or (b)(2) the coverage of an employer may not be terminated if he is or was subject under the provisions of the federal unemployment tax act during the current or preceding calendar year.

(c) Any employer for whom services that do not constitute covered employment are performed, may file with the director a written election that all such services with respect to which payments are not required under an unemployment compensation or insurance law of any other state or of the federal government, and which are performed by individuals for him in one or more distinct establishments or places of business, shall be deemed to constitute covered employment for not less than two (2) calendar years. Upon written approval by the director of such election, such services shall be deemed to constitute covered employment from and after the date stated in such approval. Such services shall cease to be covered employment as of January 1st of any calendar year subsequent to such two (2) calendar years, if not later than January 31st of such year either such employer has filed with the director a written notice of termination, or the director on his own motion, has given notice of termination of such coverage.

~~(1) Any political subdivision of this state may elect to cover under this act services performed by employees of all hospitals and institutions of higher education operated by such political subdivisions. Any political subdivision electing coverage under this subsection shall make payments in lieu of contributions with respect to benefits paid for any reason including but not limited to payments made as a result of a determination or payments erroneously or incorrectly paid or paid as a result of a determination of eligibilty (eligibility) which is subsequently reversed, if said payment or any portion thereof was made as a result of wages earned in such employment, any sums recovered by the department from a benefit claimant as a result of said payments shall be credited to the account of the political subdivision which reimbursed the fund for the payment of said benefits. Such payments shall be made in such manner and frequency as prescribed by the director. Payments in lieu of contributions will be equal to the full amount of regular benefits plus one half (1/2) the amount of extended benefits paid for any reason as herein provided during the prescribed period paid as a result of wages earned in the employ of such political subdivisions.~~

~~These political subdivisions may elect such coverage by filing with the director a notice of such election at least thirty (30) days prior to the effective date of such election. The election may exclude those services excluded pursuant to the provisions of section 72-1316, Idaho Code. An election under this subsection may be terminated by filing~~

~~written-notice-with-the-director-not-later-than-thirty--(30) days--preceding--the--last-day-of-the-calendar-year-in-which the-termination-is-to-be-effective.-Such-termination-becomes effective-as-of-the-first-day-of-the-next--ensuing--calendar year-with-respect-to-services-performed-after-that-date.~~

(d) Benefits payable to the employees thus covered will be payable under the same basis, the same benefit formula and eligibility conditions as prevail for all other covered employees.

SECTION 16. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility conditions of a benefit claimant are that--

(a) In accordance with the provisions of this act, and such rules and regulations consistent therewith, as the director may prescribe--

(1) He shall have made a claim for benefits;

(2) He shall have registered for work and thereafter reported at an employment office or other agency as required by section 72-1365(c), Idaho Code.

(b) In some calendar quarter within his base period he shall have met the minimum wage requirements in his base period as provided in section 72-1367, Idaho Code.

(c) Claimant's unemployment is not due to having voluntarily left work to marry, or to perform the customary duties of maintaining a household, or to leave the locale to live with a spouse. The provisions of this subsection shall not apply after a change in conditions whereby claimant has become the main support of self or immediate family.

(d) During the whole of any week with respect to which he claims benefits or credit to his waiting period he was able to work, available for suitable work, and seeking work; provided, however, the director shall waive these provisions for each week he is attending training under provisions of section 72-1312(a), Idaho Code; and provided, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has filed a claim and registered for work and no suitable work has been available for him after the beginning of such illness or disability; and, provided further, that no claimant shall be deemed to be unavailable for the whole of the week who, because of compelling personal circumstance, is required to be absent from his normal market area, provided that such absence does not exceed a major portion of the week.

(e) His unemployment is not due to the fact that he left his employment voluntarily without good cause, or that he was discharged for misconduct in connection with his employment.

(f) His unemployment is not due to his failure without good cause to apply for available suitable work as directed by a representative of the director or to accept suitable work when offered to him, provided, however, the director shall waive these provisions for each week he is attending training under provision of subsection (a) of section 72-1312, Idaho Code.

(g) In determining for the purposes of this act, whether or not work is suitable for an individual, the degree of risk involved to his health, safety, morals, his physical fitness, experience, training, past earnings, length of unemployment and prospects for obtaining local employment in his customary occupation, the distance of the work from his residence, and other pertinent factors shall be considered. No employment shall, in any event, be deemed suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work or to hold himself available for work under any of the following conditions:

(1) If the vacancy of the position offered is due directly to a strike, lock out, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality of the work offered;

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(h) A benefit claimant shall not be eligible to receive benefits for any week with respect to which it is found that his unemployment is due to a labor dispute; provided, that this subsection shall not apply if it is shown that--

(1) He is not participating, financing, aiding, abetting, or directly interested in the labor dispute; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises at which the labor dispute occurs, any of whom are participating in or directly interested in the dispute.

(i) A benefit claimant shall not be entitled to benefits for any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation or insurance law of another state or of the United States; provided, that if the appropriate agency of such other state or of the United States shall finally determine that he is not entitled to such unemployment compensation or insurance benefits, he shall not by provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment compensation law of the United States.

(j) A benefit claimant shall not be entitled to benefits if it is determined that he has wilfully made a false statement or representation or wilfully failed to report a material fact in order to obtain said benefits for a period of fifty-two (52) weeks from the date of said determination and said claimant shall be liable to repay to the fund any sums received as a result of said false statement, misrepresentation or failure to report a material fact.

(k) A benefit claimant shall not be entitled to benefits if his principal occupation is self-employment.

(l) A benefit claimant who has been found ineligible for benefits under the provisions of subsections (c), (e) or (f) of this section may reestablish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least eight (8) times his weekly benefit amount.

(m) Benefits based on service in employment defined in sections ~~72-1316A, 72-1349(g)~~ 72-1349A, 72-1349B, and 72-1352(c), Idaho Code, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this act~~, except that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic~~

~~years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms~~.

(1) If the services performed during one-half (1/2) or more of any contract period by an individual for an ~~institution of higher education~~ educational institution as defined in section 72-1322B, Idaho Code, are in an instructional, research, or principal administrative capacity, all the service of such individual shall be deemed to be in such capacity.

(2) If the services performed during less than one-half (1/2) of any contract period ~~by~~ an individual for such an ~~institution of higher education~~ educational institution are in an instructional, research, or principal administrative capacity, none of the service of such individual shall be deemed to be in such capacity.

(3) As used in this section, "contract period" means the entire period for which the individual contracts to perform services, pursuant to the terms of the contract.

(n) No individual is eligible to receive benefits in two (2) successive benefit years unless subsequent to the beginning of the first of said benefit years during which he received benefits he performed service and earned remuneration for such service in an amount equal to not less than three (3) times his weekly benefit amount established during the first benefit year.

(o) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(p) Benefits shall not be paid after December 31, 1977, based on service, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two (2) successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(q) Benefits shall not be paid after December 31, 1977, based on service performed by an alien unless such alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

SECTION 17. That Section 72-1367A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367A. EXTENDED UNEMPLOYMENT COMPENSATION BENEFITS. The state of Idaho hereby adopts an extended unemployment compensation benefits program to be governed by and interpreted by the provisions of this section.

(a) Definitions. As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which

(A) begins with the third week after whichever of the following weeks occurs first;

1. a week for which there is a national "on" indicator; or

2. a week for which there is a state "on" indicator; and

(B) ends with either of the following weeks, whichever occurs later;

1. the third week after the first week for which there is both a national "off" indicator and a state "off" indicator; or

2. the thirteenth consecutive week of such period;

Provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state; and Provided, further, that within the period beginning on the effective date of this amendment [February 3, 1971] and ending on December 31, 1971, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(2) ~~There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three (3) most recent completed calendar months ending before such week, the rate of insured unemployment, seasonally adjusted, for all states equaled or exceeded four and five-tenths per cent (4.5%).~~ For weeks beginning after December 31, 1976, there is a national "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four point five per centum (4.5%) (determined by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of such period).

(3) ~~There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three (3) most recent completed calendar months ending before such week, the rate of insured unemployment, seasonally adjusted, for all states was less than four and five-tenth per cent (4.5%).~~ For weeks beginning after December 31, 1976, there is a national "off" indicator for a week if, for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (seasonally adjusted) for all states was less than four point five per centum (4.5%) (determined by reference to the average monthly covered employment for the first four (4) of the most recent six (6) calendar quarters ending before the close of such period).

(4) For weeks beginning after December 31, 1977, ~~T~~there is a "state 'on' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment, not seasonally adjusted, under this act:

(A) equaled or exceeded one hundred twenty (120) per cent of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years; and

(B) equaled or exceeded four per cent (4%); and

(C) provided that with respect to benefits for weeks of unemployment beginning after December 31, 1977, the determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made under this subsection as if it did not contain paragraph (A), and the figure "4" contained in paragraph (B) were "5" except that, notwithstanding any such provision of this subsection, any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator.

(5) There is a "state 'off' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment, not seasonally adjusted, under this act:

(A) was less than one hundred twenty per cent (120%) of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years; or

(B) was less than four per cent (4%).

(6) During any period when the federal law which establishes the extended unemployment compensation program does not require the application of the percentages enumerated in paragraphs (a)(2) and (3) of this section for determining whether there have been federal "on" or "off" indicators for the beginning or ending of any extended benefit periods the director shall have discretion to waive those percentages and to adopt the percentages enumerated in the federal law for said period and during any period when said federal law does not require the application of the one hundred twenty per cent (120%) criteria for determining whether there have been state "on" or "off" indicators for the beginning or ending of any extended benefit periods, the director shall have the discretion to waive the one hundred twenty per cent (120%) provisions of this section.

(7) "Rate of insured unemployment," for purposes of paragraphs (4) and (5) of this subsection, means the percentage derived by dividing:

(A) the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen (13) consecutive week period, as determined by the director on the basis of his reports to the United States secretary of labor; by

(B) the average monthly employment covered under this act for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period.

(8) "Regular benefits" means benefits payable to an individual under this act or under any other state law (including benefits payable to federal civilian employees and to exservicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(9) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to exservicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.

(10) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(11) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(A) has received, prior to such week, all of the regular benefits that were available to him under this act or any regular or extended benefits available to him under any other state law (including benefits payable to federal civilian employees and exservicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; ~~Provided~~ provided that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(B) his benefit year having expired prior to such week, has no or insufficient wages on the basis of which he could establish a new benefit year that would include such week; and

(C) has no right to unemployment benefits or allowances, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(12) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.

(b) Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this act which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(c) Eligibility requirements for extended benefits. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(1) he is an "exhaustee" as defined in subsection (a)(11),

(2) he has satisfied the requirements of this act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(d) Weekly extended benefit amount. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(e) Total extended benefit amount. The total extended benefit amount payable to an eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) fifty per cent (50%) of the total amount of regular benefits which were payable to him under this act in his applicable benefit year;

(2) thirteen (13) times his weekly benefit amount which was payable to him under this act for a week of total unemployment in the applicable benefit year;

(3) provided that the amount so determined shall be reduced by the total amount of extended benefits paid, or being paid, to the individual under the provision of section

72-1367A, Idaho Code, as such law existed prior to the effective date (February 3, 1971) of this act, for weeks of extended unemployment in the individual's benefit year which began prior to the effective date of the federal-state extended benefit period which is current in the week for which the individual first claims such benefits.

(f) (1) Beginning and termination of extended benefit period. Whenever an extended benefit period is to become effective in this state, or in all states, as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator or state and national "off" indicators, the director shall make an appropriate public announcement;

(2) computations required by the provisions of subsection (a)(7) shall be made by the director, in accordance with regulations prescribed by the United States secretary of labor.

(g) Irrespective of any of the other provisions of this act, none of the benefits paid pursuant to the provisions of this section shall be charged to an employer's account for purposes of experience rating.

SECTION 18. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1380, Idaho Code, and to read as follows:

72-1380. FEDERAL REIMBURSEMENT FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING TRANSITION PERIOD. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services:

(A) Which were not employment as defined in section 72-1316, Idaho Code, and were not services covered pursuant to section 72-1315, Idaho Code, at any time during the one (1) year period ending December 31, 1975; and

(B) Which

(1) were performed in agricultural labor for a covered agricultural employer as defined in subsection (e) of section 72-1315, Idaho Code, or domestic service performed for a covered employer as defined in subsection (h) of section 72-1315, Idaho Code, or

(2) services performed by an employee of a political subdivision of this state as provided in sub-

section (i) of section 72-1315, Idaho Code, or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in subsection (a) of section 72-1322B, Idaho Code;

except to the extent that assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

(C) The experience rating account of any employer shall not be charged for the benefits paid pursuant to the provisions of this section to any individual whose base period wages includes wages for previously uncovered services to the extent that such individual would not have been eligible to receive such benefits had the law not provided for the payment of benefits on the basis of such previously uncovered services.

(D) Any employer which elects to make payments in lieu of contributions into the unemployment compensation fund shall not be liable to make such payments with respect to benefits paid pursuant to the provisions of this section to any individual whose base period wages includes wages for previously uncovered services which are reimbursable under the law to the extent that such individual would not have been eligible to receive such benefits had the law not provided for payment of benefits on the basis of such previously uncovered services.

SECTION 19. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1316B, Idaho Code, and to read as follows:

72-1316B. TERMINATION OF COVERAGE OF CERTAIN GOVERNMENTAL ENTITIES. Any extension of unemployment insurance coverage to political subdivisions of the state mandated by the act of congress known as public law 94-566 shall become elective pursuant to the provisions of section 72-1352(c), Idaho Code, in the event such coverage is either declared unconstitutional or null and void by the supreme court of the United States, or is repealed by an act of congress.

SECTION 20. This act shall be in full force and effect on and after January 1, 1978.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1134, AS AMENDED

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SCHOOL DISTRICT PARTICIPATION IN UNEMPLOYMENT COMPENSATION INSURANCE; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1349C, IDAHO CODE, PROVIDING FOR PAYMENTS BY SCHOOL DISTRICTS; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1366A, IDAHO CODE, BY EXTENDING EXEMPTION FROM ELIGIBILITY TO SCHOOL DISTRICT EMPLOYEES EMPLOYED DURING SUCCEEDING YEARS OR TERMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1349C, Idaho Code, and to read as follows:

72-1349C. FINANCING OF BENEFIT PAYMENTS BY SCHOOL DISTRICTS. (a) School districts shall finance benefits as provided in section 72-1349B, Idaho Code, paragraph (b), subparagraph (2), by reimbursement of payments and shall make payment in advance as follows: At the end of each calendar quarter after January 1, 1978, the state board of education shall transfer from the public school income fund to the director an aggregate sum equal to one per cent (1%) of the previous quarter's total payroll of all school districts of the state, unless the director determines that a lesser percentage will cover the cost of payment of benefits to the employees of the school districts. Such payments shall become due and payable within thirty (30) days following the quarter ending.

(b) At the end of each taxable year after January 1, 1978, the director shall compute the benefit costs attributable to each of the several school districts individually as provided in section 72-1349B, Idaho Code, paragraph (b), subparagraph (1). When payments exceed benefit costs, the school districts shall be credited collectively on subsequent benefit costs with the overpayment. When payments are not sufficient to pay benefit costs each school district shall be billed individually its proportionate share, determined in relation to the benefits paid to its employees, of the additional amount necessary to pay such costs, and such amounts are not reimbursable from the sales tax fund.

SECTION 2. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1366A, Idaho Code, and to read as follows:

72-1366A. PERSONAL ELIGIBILITY CONDITIONS -- SCHOOL DISTRICT EMPLOYEES. The personal eligibility conditions of a benefit claimant, in addition to those provided in section 72-1366, Idaho Code, are those with respect to service performed after December 31, 1977, in a school district. Benefits shall not be paid based on such services for any week of unemployment commencing during the period between two (2) successive school years' terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such school years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any school district in the second of such school years or terms.

BRIEF OF HOUSE BILL NO. 197

House Bill 197 provides a recodification and a revision of Chapters 5, 6 and 7 of Title 49, Idaho Code, the rules of the road for motor vehicles. This recodification required 52 pages to print in bill form. Because of the length of the bill, it has not been reproduced in this publication. The bill will appear in its entirety as Chapter 152 of the 1977 Session Laws.

Sections 49-590 and 49-676 of House Bill 197 relate to school buses and are copied to provide information to school personnel.

Section 49-590. REGULATIONS RELATIVE TO SCHOOL BUSES. (1) The director in cooperation with the state board of education shall adopt and enforce regulations not inconsistent with this title to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(2) Any officer or employee of any school or school district operating a school bus who violates any of said regulations may be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school or school district who fails to comply with any said regulations may be guilty of breach of contract and such contract may be cancelled after notice of hearing by the responsible officers of such school or school district.

Section 49-676. OVERTAKING AND PASSING SCHOOL BUS. (1) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on said school bus visual signals specified in this title and said driver shall not proceed until such school bus resumes motion or the visual signals are no longer actuated.

(2) Every school bus shall be equipped with visual signals meeting the requirements of this title, which may be actuated by the driver of said school bus whenever, but only whenever, such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus may be equipped with flashing yellow lights meeting the requirements of this title which may be actuated by the driver of said school bus to indicate the school bus is preparing to stop and prior to actuation of the flashing red lights. A school bus driver shall not actuate said special visual signals:

(a) In business districts and on urban arterial streets designated by the Idaho transportation department or local authorities;

(b) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or

(c) In designated school bus loading areas where the bus is entirely off the roadway.

(3) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "school bus" shall be covered or concealed. When any school bus is sold and is no longer to be used for the transportation of pupils, before it may again be used on the highways of this state it shall be painted another color than school bus chrome and all school bus markings obliteareated.

(4) The driver of a rehicle need not stop upon a highway on meeting or passing a school bus when;

(a) On a highway having more than three (3) lanes; or

(b) On a highway with separate roadways where the school bus is on a different roadway; or

(c) The school bus is stopped in a loading zone which is a part of or adjacent to such highway; or

(d) Pedestrians are not permitted to cross the roadway.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1243

BY FINANCE COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR DESIGNATED PROGRAMS FOR PUBLIC SCHOOLS; APPROPRIATING MONEYS FROM THE ACCOUNT AND FUND ENUMERATED FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO BE DISBURSED BY THE STATE BOARD OF EDUCATION FOR THE PUBLIC SCHOOL FOUNDATION PROGRAM AND THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT PROGRAM FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND APPROPRIATING ACCRUING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE BOARD OF EDUCATION TO BE EXPENDED PURSUANT TO LAW.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the following amounts shall be expended from state sources for the designated programs for public schools for the period July 1, 1977, through June 30, 1978:

FROM:	FOR PUBLIC SCHOOL SUPPORT	FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT	FOR PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY	TOTAL
General Account	$ 88,272,100	$ 11,946,700		$100,218,800
Federal Revenue Sharing Fund	8,900,000			8,900,000
Sales Tax:	11,440,000		9,573,700	21,013,700
School Districts	(9,680,000)			
Counties	(1,760,000)			
Endowment Income	8,930,000			8,930,000
Mineral royalties, car company tax and miscellaneous receipts	2,980,000			2,980,000
Liquor Funds	103,200			103,200
Vocational Education	1,180,000			1,180,000
TOTAL	$121,805,300	$ 11,946,700	$ 9,573,700	$143,325,700

SECTION 2. There is hereby appropriated out of the account and fund enumerated the following moneys, to be deposited with the public school income fund for the designated programs for the period July 1, 1977, through June 30, 1978:

	FOR PUBLIC SCHOOL FOUNDATION PROGRAM	FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT PROGRAM	TOTAL
FROM:			
General Account	$ 88,272,100	$ 11,946,700	$100,218,800
Federal Revenue Sharing Fund	8,900,000		8,900,000
TOTAL	$ 97,172,100	$ 11,946,700	$109,118,800

SECTION 3. There is hereby appropriated out of the public school income fund the following moneys, to be disbursed by the State Board of Education for the designated programs for the period July 1, 1977, through June 30, 1978:

FOR:	
Public School Foundation Program	$ 97,172,100
Public School Employees' Retirement Program	11,946,700
TOTAL	$109,118,800

SECTION 4. There is hereby appropriated from the public school income fund to the State Board of Education to be expended pursuant to law, all moneys which may accrue to such fund for the period July 1, 1977, through June 30, 1978.

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IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 326

BY APPROPRIATIONS COMMITTEE

AN ACT

AMENDING SECTION 1, SENATE BILL 1243, AS ENACTED BY THE FIRST REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, RELATING TO LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR PUBLIC SCHOOL SUPPORT BY DECREASING THE GENERAL ACCOUNT PORTION BY $994,200 AND INCREASING THE ENDOWMENT INCOME PORTION BY $144,800; AMENDING SECTION 2, SENATE BILL 1243, AS ENACTED BY THE FIRST REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOL FOUNDATION PROGRAM BY DECREASING THE APPROPRIATION FROM THE GENERAL ACCOUNT TO THE PUBLIC SCHOOL INCOME FUND BY $994,200; AMENDING SENATE BILL 1243, AS ENACTED BY THE FIRST REGULAR SESSION, FORTY-FOURTH IDAHO LEGISLATURE, BY ADDING A NEW SECTION APPROPRIATING $994,200 FROM THE GENERAL ACCOUNT TO THE PUBLIC SCHOOL INCOME FUND FOR PAYMENT OF PAST EXPENDITURES BY THE ENDOWMENT FUND INVESTMENT BOARD FROM EARNINGS OF THE PUBLIC SCHOOL ENDOWMENT FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Senate Bill 1243, as enacted by the First Regular Session, Forty-fourth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the following amounts shall be expended from state sources for the designated programs for public schools for the period July 1, 1977, through June 30, 1978:

FROM:	FOR PUBLIC SCHOOL SUPPORT	FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT	FOR PUBLIC SCHOOL EMPLOYEES' SOCIAL SECURITY	TOTAL
General Account	~~$ 88,272,100~~ 87,277,900	$ 11,946,700		~~$100,218,800~~ 99,224,600
Federal Revenue Sharing Fund	8,900,000			8,900,000
Sales Tax:	11,440,000		9,573,700	21,013,700
School Districts	(9,680,000)			
Counties	(1,760,000)			
Endowment Income	~~8,930,000~~ 9,074,800			~~8,930,000~~ 9,074,800
Mineral royalties, car company tax and miscellaneous receipts	2,980,000			2,980,000
Liquor Funds	103,200			103,200

Vocational Education	1,180,000			1,180,000
TOTAL	~~$121,885,300~~ 120,955,900	$ 11,946,700	$ 9,573,700	~~$143,325,700~~ 142,476,300

SECTION 2. That Section 2, Senate Bill 1243, as enacted by the First Regular Session, Forty-fourth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated out of the account and fund enumerated the following moneys, to be deposited with the public school income fund for the designated programs for the period July 1, 1977, through June 30, 1978:

	FOR PUBLIC SCHOOL FOUNDATION PROGRAM	FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT PROGRAM	TOTAL
FROM:			
General Account	~~$ 88,272,100~~ 87,277,900	$ 11,946,700	~~$100,218,800~~ 99,224,600
Federal Revenue Sharing Fund	8,900,000		8,900,000
TOTAL	~~$ 97,172,100~~ 96,177,900	$ 11,946,700	~~$109,118,800~~ 108,124,600

SECTION 3. That Senate Bill 1243, as enacted by the First Regular Session, Forty-fourth Idaho Legislature, be, and the same is hereby amended by the addition of a section 5 to read as follows:

SECTION 5. There is hereby appropriated from the General Account to the Public School Income Fund the amount of $994,200 for full and final payment of expenditures incurred and paid in current and prior years by the Endowment Fund Investment Board from earnings on public school endowment fund investments.

Legislature of the State of Idaho]

[First Regular Session
[[illegible]rth Legislature

IN THE SENATE

SENATE BILL NO. 1191

BY HEALTH, EDUCATION AND WELFARE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL FUND TO THE SCHOOL DISTRICT BUILDING ACCOUNT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated for the period beginning July 1, 1977, from the water pollution control fund created by section 39-3605, Idaho Code, one million dollars ($1,000,000) to the school district building account established by section 33-905, Idaho Code. The provisions of this appropriation specifically supersede the provisions of section 39-3606, Idaho Code, and shall precede all appropriations from the fund as provided in that section.

IN THE SENATE

SENATE BILL NO. 1312

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEY FROM THE GENERAL ACCOUNT TO THE SCHOOL DISTRICT BUILDING ACCOUNT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated the amount of $690,000 from the General Account to the School District Building Account.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 280

BY APPROPRIATIONS COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE DEPARTMENT OF EDUCATION; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE DEPARTMENT OF EDUCATION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the State Department of Education not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

FOR:	
Personnel Costs	$ 2,160,300
Operating Expenditures	1,229,900
Capital Outlay	26,800
Trustee & Benefit Payments	17,082,500
TOTAL	$20,499,500
FROM:	
General Account	$ 1,441,900
Miscellaneous Receipts Account	138,700
Driver Training Account	1,050,400
Professional Standards Commission Account	59,700
Commodity Distribution Account	125,000
Federal Accounts	17,683,800
TOTAL	$20,499,500

SECTION 2. There is hereby appropriated to the State Board of Education for the State Department of Education the following amounts to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. MANAGEMENT:					
FROM:					
General Account	$ 88,900	$ 29,300	$ 1,000		$ 119,200
Elementary-Secondary Education Account	217,300	80,000	1,000		298,300
TOTAL	$ 306,200	$ 109,300	2,000		$ 417,500
B. FINANCIAL AND ADMINISTRATIVE SERVICES:					
FROM:					
General Account	$ 313,700	$ 73,100	4,700	$ 316,600	$ 708,100
Driver Training Account	58,200	29,100	3,100	960,000	1,050,400
Commodity Distribution Account		125,000			125,000
School Food Services Acct.	57,400	40,900	600	5,680,000	5,778,900
Elementary-Secondary Education Account	113,000	27,400	1,900		142,300
Veterans Approval Account	61,300	21,900	300		83,500
Driver Retraining and Safety Education Accounts	32,600	85,500	3,100	3,000	124,200
Misc. Receipts Account	95,100	43,500	100		138,700
TOTAL	$ 731,300	$ 446,400	13,800	$6,959,600	$8,151,100
C. FEDERAL PROGRAMS:					
FROM:					
General Account	$ 80,100	$ 22,200	200	$	$ 102,500
Indian Education Account	21,100	8,500	100	470,200	499,900
Elementary-Secondary Education Account	439,100	274,900	2,700	9,070,500	9,787,200
Adult Basic Education Account	38,200	17,500	100	474,100	529,900
Special Education-Teacher Training Account	16,100	55,600	100	89,100	160,900
TOTAL	$ 594,600	$ 378,700	3,200	$10,103,900	$11,080,400

D. INSTRUCTION:					
FROM:					
General Account	$ 329,400	$ 177,100	$ 5,600	$	$ 512,100
Professional Standards Commission Account	12,800	39,700		7,200	59,700
Elementary-Secondary Education Account	186,000	76,700	2,200	11,800	278,700
TOTAL	$ 528.200	$ 295,500	$ 7,800	$ 19,000	$ 850,500
GRAND TOTAL	$2,160,300	$1.229,900	$ 26,800	$ 17,082,500	$ 20,499,500

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the amounts appropriated in section 2, subsection A of this act, may be used at the discretion of the Superintendent of Public Instruction to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the Superintendent of Public Instruction and shall be exempted from provisions of chapter 36, title 67, Idaho Code, and section 67-3516, Idaho Code.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 270

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS IN THE PRESCRIBED EXPENDITURE CLASSIFICATIONS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; REAPPROPRIATING $100,000 OF THE GENERAL FUND MONEYS APPROPRIATED IN CHAPTER 25, LAWS OF 1976, FOR THE PURPOSES SPECIFIED; AUTHORIZING THE TRANSFER OF MONEYS BETWEEN PROGRAMS; AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for Vocational Education the following amounts, to be expended for designated programs in the prescribed expenditure classifications for the period July 1, 1977, through June 30, 1978:

FOR MAJOR PROGRAMS:	
Administration and Supervision	$ 879,000
General Programs	3,433,800
Post Secondary Programs	8,773,400
Advisory Council	61,900
TOTAL	$13,148,100
BY LINE ITEM TO BE EXPENDED FOR ALL PROGRAMS:	
Personnel Costs	$ 735,300
Operating Expenditures	197,300
Capital Outlay	8,300
Trustee & Benefit Payments	12,207,200
TOTAL	$13,148,100
FROM:	
General Account	$10,465,000
Vocational Education Amendments of 1968 Account	2,621,200
Vocational Education Advisory Council Account	61,900
TOTAL	$13,148,100

SECTION 2. Of the general fund moneys appropriated by Section 1, subsection c, of Chapter 253, Laws of 1976, to the State Board of Education for Vocational Education for the Emergency Training Program, $100,000 is hereby reserved from expenditure for the balance of fiscal year 1977, and is

reappropriated to the State Board of Education for Vocational Education for the Emergency Training Program, for the period July 1, 1977, through June 30, 1978.

SECTION 3. The moneys appropriated by designated programs in Section 1 may be transferred between such programs, so long as the aggregate dollar amount of transfers does not exceed 10 percent of the smaller of the program's appropriation.

SECTION 4. This act shall be in full force and effect on and after July 1, 1977, except for section 2 hereof. An emergency existing therefor, which emergency is hereby declared to exist, section 2 shall be in full force and effect on and after passage and approval of this act.

Legislature of the State of Idaho]

|First Regular Session
|Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 261

BY APPROPRIATIONS COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE OFFICE OF THE STATE BOARD OF EDUCATION; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; REAPPROPRIATING THE BALANCE OF GENERAL FUND MONEYS APPROPRIATED BY SECTION 3, CHAPTER 241, LAWS OF 1976, TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE PURPOSES SPECIFIED; AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the Office of the State Board of Education not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

FOR:	
Personnel Costs	$ 725,900
Operating Expenditures	372,500
Capital Outlay	5,200
Trustee & Benefit Payments	3,857,500
TOTAL	$4,961,100
FROM:	
General Account	$3,604,700
Federal Funds:	
Idaho State Commission for Higher Education Account	966,200
Continuing Education - Title I - HEA Account	184,300
Local School District Contributions Account	205,900
TOTAL	$4,961,100

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE BOARD OF EDUCATION:					
FROM:					
General Account	$ 16,000	$ 21,500			$ 37,500

II. GENERAL ADMINISTRATION:					
FROM:					
General Account	$ 254,100	$ 84,800	$ 1,200		340,100
Continuing Education - Title I - HEA Account	31,800	11,000		$ 141,500	184,300
TOTAL	$ 285,900	$ 95,800	$ 1,200	$ 141,500	$ 524,400
III. STATEWIDE EDUCATIONAL PLANNING & REPORTING SYSTEM:					
FROM:					
General Account	$ 213,800	$ 220,600	$ 2,000		$ 436,400
Local School District Contributions Account	176,300	27,600	2,000		205,900
TOTAL	$ 390,100	$ 248,200	$ 4,000		$ 642,300
IV. EDUCATIONAL TELEVISION:					
FROM:					
General Account	$ 33,900	$ 7,000		$1,112,800	$1,153,700
Idaho State Commission for Higher Education Account				776,200	776,200
TOTAL	$ 33,900	$ 7,000		$1,889,000	$1,929,900
V. MEDICAL EDUCATION:					
FROM:					
General Account				$1,434,000	$1,434,000
VI. SCHOLARSHIPS & GRANTS:					
FROM:					
General Account				$ 203,000	$ 203,000
Idaho State Commission for Higher Education Account				190,000	190,000
TOTAL				$ 393,000	$ 393,000
GRAND TOTAL	$ 725,900	$ 372,500	$ 5,200	$3,857,500	$4,961,100

SECTION 3. The balance of the moneys authorized to be expended for emergency purposes by Section 5, Chapter 241, Laws of 1976, from the general fund moneys appropriated in Section 3, Chapter 241, Laws of 1976, to the State Board of Education and the Board of Regents of the University of Idaho at colleges and universities, is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for the period July 1, 1977, through June 30, 1978, to be used for contingencies for those agencies, institutions, offices, departments and programs under the administration of the State Board of Education and the Board of Regents of the University of Idaho. Such moneys shall be used solely for matters of an emergency nature which may arise during fiscal year 1978. In the event such moneys, or any portion thereof, are not needed for emergency purposes, such moneys shall not be used for any other purpose and shall revert to the general account as of June 30, 1978.

SECTION 4. This act shall be in in full force and effect on and after July 1, 1977, except for section 3 hereof. Section 3 of this act shall be in full force and effect on and after June 30, 1977.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1278

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE FUNDS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION, TO BE EXPENDED FOR DESIGNATED PROGRAMS ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for Vocational Rehabilitation the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. RENAL DISEASE:					
FROM:					
General Account				$ 200,000	$ 200,000
B. VOCATIONAL REHABILITATION:					
FROM:					
General Account	$	$	$	$ 835,500	$ 835,500
Vocational Rehabilitation Account	1,766,700	415,800	22,500	2,832,700	5,037,700
TOTAL	$1,766,700	$ 415,800	$ 22,500	$3,668,200	$5,873,200
GRAND TOTAL	$1,766,700	$ 415,800	$ 22,500	$3,868,200	$6,073,200

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO.1257

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE LISTED ACCOUNT, TO THE STATE BOARD OF EDUCATION FOR THE DISABILITY DETERMINATIONS UNIT, TO BE EXPENDED ACCORDING TO THE DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNT FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for the Disability Determinations Unit the following amounts to be expended for the designated program, according to the designated expense classes from the listed account for the period July 1, 1977, through June 30, 1978:

DISABILITY DETERMINATIONS:	
FOR:	
Personnel Costs	$521,100
Operating Expenditures	123,400
Trustee and Benefit Payments	179,800
TOTAL	$824,300
FROM:	
Federal Disability Determination Account	$824,300

Legislature of the State of Idaho] [First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 300

BY APPROPRIATIONS COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR COLLEGES AND UNIVERSITIES AND JUNIOR COLLEGES; APPROPRIATING $3,176,400 FROM THE GENERAL ACCOUNT TO THE STATE BOARD OF EDUCATION FOR COLLEGE OF SOUTHERN IDAHO AND NORTH IDAHO COLLEGE FOR THE PERIOD JULY 1 1977, THROUGH JUNE 30, 1978; APPROPRIATING $60,980,500 FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR DESIGNATED PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE AND THE UNIVERSITY OF IDAHO FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1978 ONLY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for colleges and universities and junior colleges not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

FOR:	
Educational Programs	$64,156,900
FROM:	
General Account	$57,377,800
Federal Endowment Funds	206,600
State Endowment Accounts:	
Lewis-Clark Normal School Income Account	422,300
Idaho State University Income Account	204,300
Idaho State University Teacher Training Account	442,700
University of Idaho Income Account	468,700
Agricultural College Income Account	294,600
School of Science Income Account	949,900
Miscellaneous Receipts Account	3,790,000
TOTAL	$64,156,900

SECTION 2. There is hereby appropriated out of the account enumerated the following amounts to the State Board of Education for College of Southern Idaho and North Idaho

College, to be expended for the designated programs for the period July 1, 1977, through June 30, 1978:

FOR:	
Retirement Program	$ 269,700
General Education Programs	2,906,700
TOTAL	$3,176,400
FROM:	
General Account	$3,176,400

SECTION 3. There is hereby appropriated out of the accounts enumerated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho the following amounts, to be expended for designated programs for the period July 1, 1977, through June 30, 1978:

FOR:	
General Education Programs	$60,980,500
FROM:	
General Account	$54,201,400
Federal Endowment Funds	206,600
State Endowment Accounts:	
Lewis-Clark Normal School Income Account	422,300
Idaho State University Income Account	204,300
Idaho State University Teacher Training Account	442,700
University of Idaho Income Account	468,700
Agricultural College Income Account	294,600
School of Science Income Account	949,900
Miscellaneous Receipts Account	3,790,000
TOTAL	$60,980,500

SECTION 4. The provisions of Sections 67-3608, 67-3609, 67-3610 and 67-3611, Idaho Code, are hereby specifically made available to the State Board of Education and the Board of Regents of the University of Idaho for fiscal year 1978 only, the provisions of Section 67-3516(1), (3) and [illegible], Idaho Code, notwithstanding.

Legislature of the State of Idaho] [First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1268

BY FINANCE COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR SPECIAL PROGRAMS AT THE UNIVERSITY OF IDAHO; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, TO BE EXPENDED FOR AGRICULTURAL RESEARCH, COOPERATIVE EXTENSION SERVICES, FOREST UTILIZATION RESEARCH, SHORT TERM APPLIED RESEARCH, NORTHWEST COLLEGE OF VETERINARY MEDICINE AND WAMI MEDICAL EDUCATION PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; APPROPRIATING MONEYS OUT OF THE FUND ENUMERATED TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE AGRICULTURAL RESEARCH PROGRAM FOR EXPANSION OF THE POTATO BREEDING FACILITY AT ABERDEEN FOR THE SPECIFIED PERIOD; AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures of the State Board of Education and the Board of Regents of the University of Idaho for special programs at the University of Idaho as appropriated in sections 2 through 7 of this act, not exceed the following amounts for the period July 1, 1977, through June 30, 1978.

FOR:	
Special Programs, University of Idaho	$11,680,800
FROM:	
General Account	$8,491,500
Federal Accounts:	
Hatch Act	779,300
Regional Research	315,800
Agricultural Research - Rural	14,200
Smith-Lever Act	1,382,000
Expanded Nutrition	239,300
Indian Affairs	49,900
Farm Safety	20,000
Title V Rural Development	14,200
Agricultural Rural Development	9,600
Local Accounts:	

Station Income	181,400
Smith-Lever Act	7,000
Miscellaneous Receipts Account	176,600
TOTAL	$11,680,800

SECTION 2. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the Agricultural Research Program, according to expense classes designated from the enumerated accounts, for the period July 1, 1977, through June 30, 1978.

FOR:	
Personnel Costs	$3,953,800
Operating Expenditures	972,400
Capital Outlay	509,700
TOTAL	$5,435,900
FROM:	
General Account	$4,145,200
Federal Accounts:	
Hatch Act	779,300
Regional Research	315,800
Agricultural Research - Rural	14,200
Local Station Income	181,400
TOTAL	$5,435,900

SECTION 3. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the Cooperative Extension Service Program, according to expense classes designated from the enumerated accounts, for the period July 1, 1977, through June 30, 1978.

FOR:	
Personnel Costs	$3,682,600
Operating Expenditures	508,900
Capital Outlay	24,600
TOTAL	$4,216,100
FROM:	
General Account	$2,494,100
Federal Accounts:	
Smith-Lever Act	1,382,000
Expanded Nutrition	239,300
Indian Affairs	49,900
Farm Safety	20,000
Title V Rural Development	14,200
Agricultural Rural Development	9,600
Local Smith-Lever Act Funds	7,000
TOTAL	$4,216,100

SECTION 4. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the Forest Utilization Research Program from the account enumerated for the period July 1, 1977, through June 30, 1978.

FOR:	
Forest Utilization Research	$200,000
FROM:	
General Account	$200,000

SECTION 5. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the Short Term Applied Research Program from the account enumerated for the period July 1, 1977, through June 30, 1978.

FOR:	
Short Term Applied Research	$ 75,000
FROM:	
General Account	$ 75,000

SECTION 6. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the Northwest College of Veterinary Medicine Program according to expense classes designated from the enumerated accounts, for the period July 1, 1977, through June 30, 1978.

FOR:	
Personnel Costs	$606,500
Operating Expenditures	105,900
Capital Outlay	82,300
TOTAL	$794,700
FROM:	
General Account	$676,500
Miscellaneous Receipts Account	118,200
TOTAL	$794,700

SECTION 7. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts, to be expended for the WAMI Medical Education Program, according to designated expense classes from the enumerated accounts, for the period July 1, 1977, through June 30, 1978.

FOR:	
Personnel Costs	$196,200
Operating Expenditures	43,400
Capital Outlay	34,500

Trustee & Benefit Payments	685,000
TOTAL	$959,100
FROM:	
General Account	$900,700
Miscellaneous Receipts Account	58,400
TOTAL	$959,100

SECTION 8. There is hereby appropriated out of the fund enumerated the following amount, or so much thereof as may be necessary, to the State Board of Education and the Board of Regents of the University of Idaho for the Agricultural Research Program, to be expended for the specified purpose for the period from the effective date of this act through June 30, 1978.

FOR:	
Expansion of Potato Breeding Facility at Aberdeen	$320,000
FROM:	
Fiscal Year 1977 General Fund moneys	$320,000

SECTION 9. This act shall be in full force and effect on and after July 1, 1977, except for Section 8 hereof. An emergency existing therefor, which emergency is hereby declared to exist, Section 8 shall be in full force and effect on and after passage and approval of this act.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 279

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and Blind the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. EDUCATION AND SUPPORT SERVICES:				
FROM:				
General Account	$1,483,900	$ 225,800	$ 20,000	$1,729,700
State School for the Deaf & Blind Income Account		22,900		22,900
Deaf and Blind Children Account	105,300			105,300
Miscellaneous Receipts Account		26,100		26,100
TOTAL	$1,589,200	$ 274,800	$ 20,000	$1,884,000
B. SPECIAL SERVICES:				
FROM:				
Deaf & Blind Children Account	$ 65,000	$ 27,100	$ 22,700	$ 114,800
GRAND TOTAL	$1,654,200	$ 301,900	$ 42,700	$1,998,800

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1241

BY FINANCE COMMITTEE

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO EXPENDITURES FOR THE STATE LIBRARY BOARD AND THE IDAHO STATE HISTORICAL SOCIETY; APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978; AND APPROPRIATING MONEYS FROM THE ACCOUNTS ENUMERATED TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, ACCORDING TO DESIGNATED EXPENSE CLASSES FROM THE LISTED ACCOUNTS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is legislative intent that the expenditures for the State Library Board and the Idaho State Historical Society not exceed the following amounts for the period July 1, 1977, through June 30, 1978:

FOR:	
Personnel Costs	$ 827,800
Operating Expenditures	408,200
Capital Outlay	83,300
Trustee and Benefit Payments	1,196,300
TOTAL	$2,515,600
FROM:	
General Account	$1,534,800
State Historical Society Foundation Account	283,600
Library Services & Construction Act - Titles I & III Account	355,400
Historical Preservation Account	304,900
Miscellaneous Receipts Account	36,900
TOTAL	$2,515,600

SECTION 2. There is hereby appropriated to the State Board of Education for the functions to be performed by the State Library Board the following amounts, to be expended for the designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. STATE GRANTS AND LIBRARY CONSTRUCTION:					
FROM:					
General Account				$ 357,000	$ 357,000
Library Services & Construction Act - Titles I & III Account				317,000	317,000
TOTAL				$ 674,000	$ 674,000
B. STATE LIBRARY SERVICES:					
FROM:					
General Account	$ 410,800	$ 137,300	$ 68,200	$ 120,000	$ 736,300
Library Services & Construction Act - Titles I & III Account				38,400	38,400
Misc. Receipts Account		2,300	4,600	30,000	36,900
TOTAL	$ 410,800	$ 139,600	$ 72,800	$ 188,400	$ 811,600
GRAND TOTAL	$ 410,800	$ 139,600	$ 72,800	$ 862,400	$1,485,600

SECTION 3. There is hereby appropriated to the State Board of Education for the functions to be performed by the Idaho State Historical Society, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed accounts for the period July 1, 1977, through June 30, 1978:

A. HISTORICAL PRESERVATION AND EDUCATION:					
FROM:					
General Account	$ 308,600	$ 56,000	$ 4,900		$ 369,500
State Historical Society Foundation Account		59,400	4,800		64,200
Historical Preservation Account	43,900	29,100			73,000
TOTAL	$ 352,500	$ 144,500	$ 9,700		$ 506,700
B. HISTORIC RESTORATION PROJECTS:					
FROM:					
Historical Preservation Account				$ 229,900	$ 229,900

C. FRANKLIN PIONEER RELIC HALL:					
FROM:					
General Account				$ 4,000	$ 4,000
D. HISTORIC SITES MAINTENANCE AND INTERPRETATION:					
FROM:					
General Account	$ 45,900	$ 22,100			$ 68,000
State Historical Society Foundation Account	18,600	100,000	800	100,000	219,400
Historical Preservation Account		2,000			2,000
TOTAL	$ 64,500	$ 124,100	$ 800	$ 100,000	$ 289,400
GRAND TOTAL	$ 417,000	$ 268,600	$ 10,500	$ 333,900	$1,030,000

Legislature of the State of Idaho | First Regular Session
Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 283

BY APPROPRIATIONS COMMITTEE

AN ACT

APPROPRIATING $5,000 FROM THE GENERAL ACCOUNT TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, TO BE EXPENDED FOR THE DESIGNATED PURPOSE ONLY, ACCORDING TO THE DESIGNATED EXPENSE CLASS FOR THE PERIOD JULY 1, 1977 THROUGH JUNE 30, 1978.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho State Historical Society the following amount, to be expended for the designated purpose only, according to the expense class designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

	FOR TRUSTEE AND BENEFIT PAYMENT	TOTAL
FOR:		
An Oral History of the Teton Dam Disaster		
FROM:		
General Account	$ 5,000	$ 5,000

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1281

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING $13,300 FROM THE GENERAL ACCOUNT TO THE LEGISLATIVE COUNCIL, TO BE EXPENDED FOR THE DESIGNATED PURPOSE, ACCORDING TO THE DESIGNATED EXPENSE CLASS FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Legislative Council the following amount, to be expended for the designated purpose, according to the expense class designated therein from the listed account for the period July 1, 1977, through June 30, 1978:

	FOR OPERATING EXPENDITURES	TOTAL
FOR:		
EDUCATION COMMISSION AND COUNCIL:		
FROM:		
General Account	$13,300	$13,300

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 284

BY APPROPRIATIONS COMMITTEE

AN ACT

MAKING CERTAIN SUMS AVAILABLE FROM APPROPRIATIONS MADE FOR FISCAL YEAR 1978 TO LISTED AGENCIES FOR THE PURPOSE OF ROOF REPAIRS, COATINGS, AND/OR ROOF REPLACEMENTS; AND PROVIDING THAT THE DIVISION OF PUBLIC WORKS SHALL HAVE SUPERVISION OF THE REPAIRS AS IF THE MONEY HAD BEEN APPROPRIATED TO THE DIVISION OF PUBLIC WORKS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby made available from any appropriation made for fiscal year 1978 operations of the following listed state agencies, the amounts of money listed for the purposes of roof repairs, coatings and/or roof replacements. The amounts listed shall be made available at such times as the Division of Public Works may direct, and need not be done simultaneously for each agency, department or office.

AGENCY	
A. STATE BOARD OF EDUCATION:	
1. Boise State University	$125,400
2. University of Idaho	58,000
3. Idaho State University	7,600
4. Lewis-Clark State College	12,600
TOTAL	$203,600
B. DEPARTMENT OF HEALTH & WELFARE:	
1. State Hospital South	$ 5,000
2. Idaho State School and Hospital	16,600
TOTAL	$ 21,600
C. OFFICE OF THE GOVERNOR:	
1. Commission for the Blind	$ 9,800
D. DEPARTMENT OF ADMINISTRATION:	
1. Len B. Jordan Building	$ 70,000
GRAND TOTAL	$305,000

SECTION 2. The Division of Public Works shall have supervision of roof repairs, coatings, and/or roof replacements at the agencies, departments or offices specified and listed in section 1 hereof, as if the moneys had been appropriated to the Division of Public Works for such purposes.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 129

BY APPROPRIATIONS COMMITTEE

AN ACT

AMENDING CHAPTER 253, LAWS OF 1976, TO PROVIDE FOR REVISED APPROPRIATIONS TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Chapter 253, Laws of 1976, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for Vocational Education the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. VOCATIONAL EDUCATION:					
FROM:					
General Fund	$ 653,500	$ 173,300	$ 12,200	$8,757,900	$9,596,900
Vocational Education Amendments of 1968 Fund				2,418,100	2,418,100
TOTAL	$ 653,500	$ 173,300	$ 12,200	$11,176,000	$12,015,000
B. ADVISORY COUNCIL:					
FROM:					
Vocational Education Advisory Council Fund	$ ~~31,100~~ 35,100	$ ~~22,700~~ 18,700			$ 53,800
TOTAL	$ ~~31,100~~ 35,100	$ ~~22,700~~ 18,700			$ 53,800
C. EMERGENCY TRAINING:					
FROM:					
General Fund				$ 275,000	$ 275,000
GRAND TOTAL	$ ~~684,600~~ 688,600	$ ~~196,000~~ 192,000	$ 12,200	$11,451,000	$12,343,800

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Legislature of the State of Idaho] [First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1267

BY FINANCE COMMITTEE

AN ACT

AMENDING SECTION 3, CHAPTER 241, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE AND THE UNIVERSITY OF IDAHO, BY INCREASING THE APPROPRIATIONS FROM THE GENERAL FUND BY $264,900 AND MISCELLANEOUS RECEIPTS BY $203,400; DECLARING PROVISIONS OF HOUSE BILL 41 SHALL BE IMPLEMENTED BEFORE JUNE 30, 1977; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3, Chapter 241, Laws of 1976, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated out of the funds enumerated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho the following amounts, to be expended for designated programs for the period July 1, 1976, through June 30, 1977:

FOR:		
General Education Programs	~~$54,699,300~~	55,167,600
FROM:		
General Fund	~~$48,429,000~~	48,693,900
Federal Endowment Funds		206,600
State Endowment Funds:		
Lewis-Clark Normal School Income Fund		422,500
Idaho State University Income Fund		173,300
Idaho State University Teachers Training Fund		422,500
University of Idaho Income Fund		445,000
Agricultural College Income Fund		314,000
School of Science Income Fund		889,000

Miscellaneous Receipts	~~3,397,400~~	3,600,800
TOTAL	~~$54,699,300~~	55,167,600

SECTION 2. It is hereby declared that the provisions of House Bill 41, First Regular Session, Forty-fourth Legislature, upon its final approval, shall be implemented prior to June 30, 1977, by the State Board of Education from funds appropriated by this act to the State Board of Education and the Board of Regents.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 149
BY APPROPRIATIONS COMMITTEE

AN ACT

AMENDING SECTION 3, CHAPTER 199, LAWS OF 1976, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY, BY INCREASING THE APPROPRIATION FROM THE GENERAL FUND BY $15,600; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3, Chapter 199, Laws of 1976, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the State Board of Education for the functions to be performed by the Idaho State Historical Society, the following amounts to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. HISTORICAL PRESERVATION AND EDUCATION:					
FROM:					
General Fund	$ 270,500	$ ~~51,400~~ 52,000	$ ~~22,600~~ 37,600		$ ~~344,500~~ 360,100
State Historical Society Foundation Fund		58,800	2,800		61,600
Historical Preservation Fund	64,900	27,800			92,700
TOTAL	$ 335,400	$ ~~138,000~~ 138,600	$ ~~25,400~~ 40,400		$ ~~498,800~~ 514,400
B. HISTORIC RESTORATION PROJECTS:					
FROM:					
Historical Preservation Fund				$ 146,500	$ 146,500
C. FRANKLIN PIONEER RELIC HALL:					
FROM:					
General Fund				$ 4,000	$ 4,000
D. HISTORIC SITES MAINTENANCE AND INTERPRETATION:					
FROM:					
General Fund	$ 42,700	$ 22,100	$ 2,200		$ 67,000
State Historical Society Foundation Fund	24,700	100,000			124,700
Historical Preservation Fund		2,000			2,000

TOTAL	$ 67,400	$ 124,100	$ 2,200		$ 193,700
GRAND TOTAL	$ 402,800	$ ~~262,100~~ 262,700	$ ~~27,600~~ 42,600	$ 150,500	$ ~~843,000~~ 858,600

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE BILL NO. 1309

BY FINANCE COMMITTEE

AN ACT

AMENDING SECTION 1, CHAPTER 196, LAWS OF 1976, BY INCREASING THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL REHABILITATION BY THE AMOUNT OF $50,000 FROM THE MISCELLANEOUS RECEIPTS FUND TO BE EXPENDED FOR DESIGNATED PROGRAMS, ACCORDING TO DESIGNATED EXPENSE CLASSES FOR THE PERIOD JULY 1, 1976, THROUGH JUNE 30, 1977; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Chapter 196, Laws of 1976, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for Vocational Rehabilitation the following amounts, to be expended for designated programs, according to expense classes designated therein from the listed funds for the period July 1, 1976, through June 30, 1977:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. RENAL DISEASE:					
FROM:					
Misc.Receipts Fund				$ 50,000	$ 50,000
General Fund				$ 190,000	$ 190,000
TOTAL	-0-	-0-	-0-	$ ~~190,000~~	$ ~~190,000~~
				240,000	240,000
B. VOCATIONAL REHABILITATION:					
FROM:					
General Fund				$ 900,000	$ 900,000
Vocational Rehabilitation Fund	$1,801,700	$ 402,400	$ 63,600	2,807,700	5,075,400
TOTAL	$1,801,700	$ 402,400	$ 63,600	$3,707,700	$5,975,400
C. DISABILITY DETERMINATIONS:					
FROM:					
Federal Disability Determinations Fund	$ 480,400	$ 95,500	$ 500	$ 170,000	$ 746,400
TOTAL	$ 480,400	$ 95,500	$ 500	$ 170,000	$ 746,400
GRAND TOTAL	$2,282,100	$ 497,900	$ 64,100	$~~4,067,700~~	$~~6,911,800~~
				4,117,700	6,961,800

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 6

BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION

ADOPTING FINDINGS OF A JOINT COMMITTEE ON REVENUE PROJECTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature appointed a joint committee of the House of Representatives and the Senate to study the revenue available to the state for the 1978 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the First Regular Session of the Forty-fourth Idaho Legislature, the House of Representatives and the Senate concurring, that we find the following calculations to provide a factual representation of the revenue available from the general account for appropriation in the 1977-1978 fiscal year.

Revenue Projections for 1977-1978 fiscal year:

Supreme Court/Magistrates	$ 1,500,000
Secretary of State	1,225,000
State Treasurer	6,000,000
Department of Agriculture	90,000
Department of Finance	400,000
Department of Insurance	10,700,000
Department of Lands	90,000
Department of Law Enforcement	625,000
Department of Revenue:	
Individual Income Tax	135,000,000
Corporate Income Tax	31,000,000
Kilowatt Hour Tax	500,000
Beer Tax	2,500,000
Mine License Tax	500,000
Wine Tax	527,000
Cigarette Tax	7,500,000
Miscellaneous Agencies	50,000
Transfers:	
Miscellaneous	450,000
Liquor	3,250,000
Sales Tax	80,000,000
Total Fiscal Year 1977-78 Revenue Projection	*$281,907,000

* Passage and approval of H.B. 4, First Regular Session,

Forty-fourth Legislature, as originally written, would reduce the above total revenue by $750,000.

Legislature of the State of Idaho]

[First Regular Session
[Forty-fourth Legislature

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 107

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF THE FEASIBILITY OF INCORPORATING CITY, COUNTY, AND STATE PUBLIC EMPLOYEE RETIREMENT PROGRAMS INTO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, retirement programs have been extended to nearly all public employees in the State of Idaho; and

WHEREAS, retirement programs are diverse and dissimilar; and

WHEREAS, the actuarial soundness of retirement programs varies; and

WHEREAS, it is desirable to achieve uniformity of employment conditions of all public employees; and

WHEREAS, the actuarial soundness of the State Public Employee Retirement System is of paramount importance to the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislative Council shall undertake and complete a study of the Public Employees Retirement System with special emphasis given to fiscal soundness of the system.

BE IT FURTHER RESOLVED that the committee shall study the feasibility of incorporating city, county, and state public retirement programs into the Public Employees Retirement System.

BE IT FURTHER RESOLVED that the Legislative Council report its findings, together with necessary proposed legislation, to the Second Regular Session of the Forty-fourth Idaho Legislature.

COMMUNICATIONS FROM LEGISLATURE

The following resolution was transmitted to the State Department of Education. The resolution relates to House Bill 182, which was considered by the House Education Committee. House Bill 182 established a Citizens' Committee on Educational Resource Areas.

WHEREAS the Education Committee of the Idaho House of Representatives agrees there are many problems regarding public school funding;

WHEREAS we are aware of numerous previous studies on the subject;

WHEREAS we agreed with many concepts of HB 182 but not in its entirety;

WHEREAS the League of Women Voters is initiating a project on this subject;

NOW THEREFORE be it resolved that the below signed members of this Education Committee agree to cooperate to the fullest extent possible with the League of Women Voters in this project as well as with other citizen groups;

BE IT FURTHER RESOLVED that no expenditure of Legislative funds shall be requested for this; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to members of the Senate Health, Education and Welfare Committee, the State Department of Education, and the League of Women Voters.

Signed by:

R. K. Lechelt
Jack Spurgeon
Lawrence Knigge
Ernest A. Hale
Dorothy L. Reynolds
Percival A. Wesche
John O. Sessions
Tom Boyd
Myron Jones
Dan Kelly
T. W. Stivers
Carroll Dean
Steven F. Scanlin
Daryl S. Sallaz
Wendy A. Ungricht
Kurt L. Johnson, Ch.
Jim Ries

KURT L. JOHNSON
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COMMITTEES
CHAIRMAN - EDUCATION
AGRICULTURAL AFFAIRS
RESOURCES AND CONSERVATION

House of Representatives
State of Idaho

March 21, 1977

RECEIVED
MAR 22 1977
OFFICE OF
THE STATE BOARD OF EDUCATION

To The State Board of Education:

The House Education Committee engaged in considerable discussion of, and gave careful consideration to, both the reasons for and the consequences of Senate Bill 1193. We recognize the problems created by the rapid population growth in several districts. While we presume that the creation of a School District Building Fund will be of some help to these districts, we also foresee some problems.

Although there appear to be safeguards written into the bill by requiring certain levels of bonded indebtedness and mill levies, these can become much less meaningful when the unequal ratio of assessed valuation is considered. One district with a very low assessment ratio could, for example, meet the 75% of bonded indebtedness when they would not meet this requirement had they assessed at a level comparable to other districts. Had they been taxing over the years as some other districts have, then they might not now be in great financial need even though they are now experiencing rapid population growth. Some districts have for years advertised their low taxes as an incentive for people to move into their community. If keeping a low tax rate results in being able to obtain financial support from a fund being supplied by the state then there is little incentive to increase the assessment ratio in harmony with the majority of the taxing districts.

The committee recognizes that school districts do not coincide with taxing districts. It also recognizes that school districts have little if any authority, but only influence, over county officials who regulate assessment and taxing schedules. For these reasons it would be difficult to include these equalizing requirements in the statute. It is the expressed wish of the House Education Committee, however, that the State Board of Education will give careful consideration to the request of school districts in which the assessment ratio is equal to or above the state average, when the Board is exercising the approval power in granting fund requests as provided in Senate Bill 1193. The action of the Education Committee in sending SB 1193 to the floor included the sending of a letter to the State Board of Education which would contain the above request.

The Education Committee concurred that the State Board of Education should take note of this new program and be of aid in carrying out the intent and making known to the legislature the suggestions of the Board.

Yours truly,

Kurt L. Johnson, Chairman

KLJ/in